

To: Richard Windsor/DC/USEPA/US@EPA[]
From: [Personal Privacy]
Sent: Tue 7/28/2009 2:00:55 PM
Subject: Fw:
Corzine Invite 7-28-09.doc

Sent via BlackBerry by ATP

From: "Wyeth Wiedeman"
Date: Tue, 28 Jul 2009 08:56:18 -0500
To: [Personal Privacy]
Subject: Fw:

----- Original Message -----

From: Susan Martin
To: Wyeth Wiedeman
Sent: Mon Jul 20 13:54:38 2009
Subject:

<<Corzine Invite 7-28-09.doc>> <<Corzine Invite 7-28-09.doc>>

To: "Richard Windsor" [Windsor.Richard@epamail.epa.gov]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Tue 7/28/2009 12:29:10 AM
Subject: Fw: LDV Rule/CAFE Std

This makes sense to me. Any problem?

----- Original Message -----

From: Gina McCarthy
Sent: 07/27/2009 07:15 PM EDT
To: Diane Thompson
Subject: LDV Rule/CAFE Std

Jody Freeman called and asked if she could get a preview of the Clean Cars package that we will be sending over to OMB on Friday. She said a briefing would be great if it could be arranged. I want to make sure it's ok with you if I connect with DOT and set up to time to walk through it with her. She wants to make sure it is consistent with the program as envisioned and there is no time to spare in getting this done.

Deliberative

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Seth Oster/OU=DC/O=USEPA/C=US
Sent: Mon 7/27/2009 10:18:51 PM
Subject: Re: DECISION: Mornings

Ok. I'll arrange -- and talk to Kate about timing.

Seth

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

From: Richard Windsor/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA
Date: 07/27/2009 06:01 PM
Subject: Re: DECISION: Mornings

Sounds like its more than worth my time. BTW - we are changing the time away from mornings.

----- Original Message -----

From: Seth Oster
Sent: 07/27/2009 05:49 PM EDT
To: Richard Windsor
Subject: DECISION: Mornings

You recently sent the email below about using the 8:30 am time on some mornings for meetings with outside folks to discuss items of mutual interests. I have a suggestion.

Last week we met with a group called EcoAmerica. I'd reached out to them after reading in the NY Times that they'd presented environmental messaging and market research to various agencies within the executive branch and at the WH -- but not the EPA. Their presentation was really impressive. The founder (who is a big enviro and whose wife is a former president of the Sierra Club) did the presentation and Adora and I both thought this might be a valuable for you if they can condense it into 45 minutes (and I think they can).

They work in financial partnership with groups ranging from NRDC to the Flora Foundation, but they know we are not a likely candidate for a financial arrangement -- just as consumers of their research. They bill themselves as follows: EcoAmerica is an environmental non-profit that uses psychographic research, strategic partnerships and engagement marketing to shift personal and civic choices of environmentally agnostic Americans. We start with people, identify their underlying concerns, and develop programs to engage them on environmental and climate change solutions with measureable results.

Let me know what you think.

Seth

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

From: Richard Windsor/DC/USEPA/US
To: "Katharine Gage" <Gage.Katharine@epamail.epa.gov>
Cc: "Diane Thompson" <thompson.diane@epa.gov>, "Seth Oster" <oster.seth@epa.gov>, "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>
Date: 07/19/2009 10:54 PM
Subject: Mornings

Hi Kate,

Beginning next week or the week after, I would like to have 830 a.m. half hour mtgs in my office. The mtgs can be everyday that schedule permits. The idea is to give outside folks and me an opportunity to discuss items of mutual interest. That means pushing the morning mtgs to 9 am.

Eventually the list of folks I meet with will be the responsibility of the Office of Public Outreach in OPA. However, I'd like to start with Jessy Tolken, Wesley Warren, Gene Karpinski, someone Betsaida chooses from LULAC or the Latino community re climate, ... We can discuss in more detail but I wanted to send you this note while it was on my mind. Tx, Lisa

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Eric Wachter/OU=DC/O=USEPA/C=US
Sent: Tue 7/28/2009 2:37:31 PM
Subject: Fw: Thank you from Brenda Whiteman
Hotspot
http://www.mccc.edu/~symonss/whatsnew/pr_7-13-09_MellissiaZanjaniAppointment.htm

Let me know if you want me to respond or get her some info.

----- Forwarded by Eric Wachter/DC/USEPA/US on 07/28/2009 10:36 AM -----

Date 07/25/2009 10:59 AM
From Brenda Whiteman <[Personal Privacy]>
To LisaP Jackson/DC/USEPA/US@EPA
cc
Subject Thank you from Brenda Whiteman

Hi Lisa,

We had a wonderful time yesterday. We were all awe-struck by the magnitude of what you and the others on the Hill do. Everyone was bursting with pride. I know that your talk with resonate well with our youth. They were taking it all in. This will help inspire them to do great things. Thanks so much again. Whenever you get a chance, if you have any suggestions on where Mercer County Community College can start to cultivate relations on the Hill, it would be greatly appreciated. I work in Mercer's public information office. Like all higher education institutions, we're thankful for the stimulus money currently on hand and are constantly seeking new sources of funding for initiatives. I know that Jill Biden is a great advocate of community colleges. Would her office be the place to start? Is there a particular staff liaison? I think that our new Vice President of College Advancement, Mellissia Zanjani, would really benefit from personally knowing whom to cultivate relationships with on the Hill. Mellisia is very sharp and a leader on the community college advancement front. She might be someone you would want to network with in the future. Mellissia is a native of Baltimore. Here is something about her: http://www.mccc.edu/~symonss/whatsnew/pr_7-13-09_MellissiaZanjaniAppointment.htm

We're happy that Kenneth, Brian and Marcus are adjusting well to life in D.C. I know things will go well with your house closing. Remember to purchase T.D. Jakes' book when you get a chance. -- Brenda

Brenda Whiteman
Home: [Personal Privacy]
Cell: [Personal Privacy]
E-Mail: [Personal Privacy]

OEX Processing Information
Processed Date:

Processed By
PO Office Category:

Message Count

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Seth Oster/OU=DC/O=USEPA/C=US
Sent: Mon 7/27/2009 9:49:44 PM
Subject: DECISION: Mornings

You recently sent the email below about using the 8:30 am time on some mornings for meetings with outside folks to discuss items of mutual interests. I have a suggestion.

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Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

From: Richard Windsor/DC/USEPA/US
To: "Katharine Gage" <Gage.Katharine@epamail.epa.gov>
Cc: "Diane Thompson" <thompson.diane@epa.gov>, "Seth Oster" <oster.seth@epa.gov>, "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>
Date: 07/19/2009 10:54 PM
Subject: Mornings

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JONCORZINE
GOVERNOR

*You are cordially invited to a
Reception Honoring*

**GOVERNOR JON S.
CORZINE**

DEMOCRATIC GOVERNOR FROM THE STATE OF NEW JERSEY

Tuesday, July 28, 2009
6:00 PM – 7:30 PM

Ben Barnes Group
1215 19th Street NW
Washington, DC

Ticket Price: \$3,400

Please make checks payable to **“Corzine ‘09, Inc.”**

RSVP to rjafri@votecorzine09.com or (973) 643-0500

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Yes! I would like to contribute \$ _____.

Individuals, corporations, political action committees and labor organizations may contribute a maximum of \$3,400 for the general election. State contractors and prospective state contractors are subject to reduced "pay-to-play" limits. Contact Rafi Jafri at 973-643-0500 for more information.

Please make checks payable to Corzine '09, Inc. and send to:

**Corzine '09, Inc.
One Gateway Center, Suite 1102
Newark, NJ 07102**

If you prefer to pay by credit card, please complete the following information and return by fax to (973) 643-7885 or by mail to the above address.

_____ MasterCard _____ Visa _____ American Express

Name of Cardholder (**must be same as contributor**): _____

Credit Card #: _____ Exp. _____

Please sign below: I am making this contribution with my own personal funds and not with funds provided by any other person or entity.

Signature required: _____

Provide contributor information below:

It is the policy of Corzine '09 to fully disclose all contributions to the New Jersey Election Law Enforcement Commission regardless of amount. Disclosure of individual contributions of \$300 or less will not result in a violation of New Jersey statewide pay-to-play laws.

Full Name: _____

Home Address: _____

City: _____ State: _____ Zip: _____

Occupation: _____ Employer: _____

Employer Address: _____

City: _____ State: _____ Zip: _____

Telephone: (Home) _____ (Work) _____

E-mail: _____

Fax: _____

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- **Contributions Drawn on Joint Accounts.** Contributions from joint account holders will be attributed to the individual whose signature appears on the check. Joint account checks can be attributed to multiple accountholders. In such case, joint account checks will be attributed equally to those joint account holders whose names and signatures appear on the check.
- **Contributions Drawn on the Account of a Partnership or LLC.** Contributions may be drawn upon the account of partnerships and limited liability companies, but must be attributed to specific partner(s)/member(s) and will count toward their individual limit(s). State law requires that a contribution check drawn upon the account of a partnership or limited liability company must be signed by the contributing partner(s)/member(s) or must be accompanied by a letter allocating the contribution to the specific partner(s)/member(s). If the contribution is attributed to more than one partner/member, each partner/member to whom a portion of the contribution is to be attributed must sign the contribution check or an allocation letter accompanying the contribution.
- **Credit Card Contributions.** Credit card contributions must be from an account owned by the contributor.
- **Contributions are Subject to New Jersey Campaign Finance Law as Follows:**
 - Contributions may not exceed \$3,400 per election.
 - Contributions may not be reimbursed.
 - Corzine '09 may not accept contributions from foreign nationals or foreign corporations. However, individuals who have permanent U.S. residence (green cards) may contribute.
 - Contributions are not tax deductible.
 - State law prohibits Corzine '09 from accepting contributions from banks, insurance companies, public utilities, cable television companies and any majority shareholder in such entities.
 - State law (the Casino Control Act) prohibits Corzine '09 from accepting contributions from companies that hold or are applicants for a casino license, including any holding company or subsidiary of a casino licensee or applicant. Contributions from officers, directors and key employees of any such company are also prohibited. In addition, contributions by members of the New Jersey Casino Control Commission and its employees are barred.

- State contractors and prospective state contractors are subject to reduced “pay-to-play” limits. Contact Rafi Jafri at 973-643-0500 for more information.

- **People Who Fall Under Pay to Play:**

- Lobbyist who holds New Jersey State contracts on behalf of Ben Barnes firm.
- Lobbyists who represent redevelopers in connection with State redevelopment contracts are covered by pay to play.
- The three State redevelopment entities are Capital City Redevelopment Authority based in Trenton; Meadowlands, and NJ Redevelopment. Forward looking for two years from contribution.
- Lobbyists who represent investment management firms in connection with the investment of State funds are also covered. Two year forward looking from contribution.

To: windsor.richard@epa.gov[]
Cc: thompson.diane@epa.gov[]
From: CN=Cameron Davis/OU=R5/O=USEPA/C=US
Sent: Tue 7/28/2009 4:06:36 PM
Subject: RA5
CV- Personal Privacy .doc

CV for Personal Privacy attached in case it's helpful, per our discussion on Friday.

Cameron Davis
Senior Advisor to the Administrator
U.S. EPA
77 W. Jackson Boulevard
Room 1901
Chicago, IL 60604
312-886-4957
davis.cameron@epa.gov

Personal Privacy

Personal Privacy

Personal Privacy

“POLITICAL” TRAVEL:
HOW TO CALCULATE AND COLLECT PAYMENT
ASSOCIATED WITH POLITICAL EVENTS

Under the Hatch Act, 5 USC " 7321-7326, PAS employees are permitted to participate in partisan political activity while on government time and in government facilities. However, EPA dollars cannot be used to pay for any travel costs associated with political activity. This guidance will help you to know what travel expenses EPA can – and cannot – cover.

Who is a PAS employee?

EPA has 14 PAS employees, who are **Presidential Appointees** confirmed by the Senate. They are the Administrator, the Deputy Administrator, the General Counsel, the Inspector General, the Chief Financial Officer, and the nine Assistant Administrators.

What is “political” travel?

As a general rule, travel by senior Administration officials is considered “political” if the primary purpose involves their positions as leaders of their political party. Travel is considered “political” when the PAS employee is appearing at party functions, campaigning for specific candidates or attending a fundraiser (though never with reference to official position). For the purposes of this guidance, “political travel” includes local trips and trips beyond the 50-mile duty station radius. EPA funds cannot be used to pay for political travel.

Who pays for political travel?

In all cases, political travel must be paid for by the political entity.

What is not “political” travel?

Speeches to groups in support of Administration positions, whether or not related to environmental subjects, are generally considered “official” in nature. A speech before a non-partisan group, such as a Chamber of Commerce, is not partisan or political in nature if it contains no express advocacy and no direction that a particular political party’s candidates should be supported in an election campaign.

To what extent can non-PAS staff assist the PASer with political activity and travel?

Only PAS employees can engage in political activity during normal duty hours or on government premises.

The Hatch Act permits EPA staff to provide services to the PAS employee that are ordinarily provided by them as part of their official duties, so long as the work is purely official and not political in any way. For example, a security detail may accompany the Administrator, even to a political event, so long as the detail is providing security and not actually participating in the political activity. EPA must pay the security detail’s travel.

Similarly, an administrative assistant may prepare the travel and itinerary associated with a political trip even if the PAS employee is engaged in political activity or a mix of official and political activity. EPA staff may also prepare briefing materials associated with official

Administration activities as part of their government duties, even if such materials might be included in partisan statements.

EPA staff may not, however, use duty time to prepare materials that will be used solely for “political” purposes, such as platform materials or other statements of “political” advocacy, nor should can they volunteer their off-duty time to assist any EPA PAS official. The Hatch Act prohibits PAS employees from accepting volunteer political services from subordinates.

Who determines whether a trip is “political” or “official” in nature?

OGC/Ethics makes this determination. Among the factors that OGC will take into consideration are: (1) the sponsor of the event, (2) the group or organization being addressed, (3) other participants, and (4) whether the speech is partisan and political in nature or whether it is a factual presentation or defense of the Administration’s position on the issues.

Can a trip contain both “political” and “official” elements?

Yes, but OGC/Ethics must work with the PASer’s staff to apportion the costs between EPA and the political sponsor. EPA travel funds CANNOT be used for political travel!

How does EPA apportion the costs of a trip?

When events involve a mix of political and official travel, then OGC/Ethics works with the PASer’s travel staff to identify all travel costs and applies the following “hard-time formula” to determine which costs are associated with political activity and which costs are associated with official duty:

Time spent in official meetings, receptions, etc.	+	Time spent in political meetings, receptions, rallies	=	Total activity time
<u>Time spent in official activity</u>			=	Percentage of trip that is official
Total activity time				
<u>Time spent in political activity</u>			=	Percentage of trip that is political
Total activity time				

EXAMPLE: A PAS employee travels to Chicago and spends 3 hours on official business in the regional office, and then spends 2 hours on political activity. EPA should pay 3/5ths of the total cost of the trip while the political sponsor pays 2/5ths of the total costs.

HELPFUL HINTS:

- ⇒ Do not apply the “hard time” allocation to expenses that are solely one type or another.
 - An expense to rent a sound system for a political event must be paid in its entirety by the political sponsor. Similarly, a registration fee to attend a conference in official capacity must be paid in its entirety by the Agency.

- ⇒ In allocating costs other than air travel (e.g., lodging or per diem), use the government maximum for that type of expense.
 - If a mixed trip is 50% official and 50% political, and the government per diem rate is \$140, then the maximum per diem expense chargeable to the government is 50% of \$140, not 50% of the actual cost.
- ⇒ Any questions should be resolved in favor of charging EPA less and the political sponsor more.

What is the process for seeking and receiving payment from a political sponsor?

1) The PAS travel coordinator and/or administrative staff must consult OGC/Ethics to determine whether the trip is political, official or mixed. This determination must be made by OGC/Ethics in writing.

2) OGC/Ethics verifies with the scheduling staff and the political sponsor that the political sponsor understands it will be paying for all political travel. A copy of this correspondence must be included in the official travel record.

3) EPA makes all travel arrangements, prepares the travel authorization (TA), and arranges for EPA to pay the travel expenses. In this way, the Agency maintains control over the PAS employee's schedule and ensures that s/he is eligible for city pair fares and the government rate, and gets refundable tickets in the event of a change in reservations.

The TA must include a statement that the PAS employee is traveling for a political purpose or a mixed political purpose and that the political sponsor will be paying for all political travel expenses. In this way, EPA's Finance Center is alerted to the fact that it will pay the PAS employee for the travel using EPA funds, but that EPA will obtain reimbursement from a third-party. When the payment arrives, EPA will be able to accept the money directly. It will not need to go to the US Treasury for miscellaneous receipts.

4) The PAS travel coordinator, the PAS scheduling staff and OGC/Ethics review the planned itinerary to identify all politically-related travel costs and to approximate the time spent in political activity. The PAS travel coordinator, in consultation with OGC/Ethics, prepares the "travel record" (Attachment A, pages 1 and 2, White House memorandum, "Guidelines for Allocating Travel Expenses of Senior Administration Officials, 2/17/94).

5) Upon return from the trip, the PAS employee provides all receipts to the PAS travel coordinator to prepare the travel voucher. The voucher must include a statement that the PAS employee traveled for a political purpose or a mixed political purpose and that the political sponsor will be paying for all political travel expenses.

6) OGC/Ethics calculates the political expenses using the "event worksheet" (Attachment A, page 3, White House memorandum, "Guidelines for Allocating Travel Expenses of Senior Administration Officials, 2/17/94). For mixed political and official trips, OGC/Ethics calculates

the hard-time allocation. The PAS travel coordinator includes the completed “event worksheet” in the official travel record.

7) OGC/Ethics writes to the political sponsor for payment in the form of a check made out to US EPA. The check must be sent to the PAS travel coordinator. Upon receipt, the PAS travel coordinator verifies that the amount received is at least the same as the amount requested, then notifies OGC/Ethics that the reimbursement has arrived. The PAS travel coordinator writes the DCN number and TA number on the check and sends it to Finance so that the EPA travel budget can be reimbursed. A copy of the check must be included with the official travel record.



*You are cordially invited to a
Reception Honoring*

**GOVERNOR JON S.
CORZINE**

DEMOCRATIC GOVERNOR FROM THE STATE OF NEW JERSEY

**Tuesday, July 28, 2009
6:00 PM – 7:30 PM**

Ben Barnes Group
1215 19th Street NW
Washington, DC

Ticket Price: \$3,400

Please make checks payable to **“Corzine ‘09, Inc.”**

RSVP to rjafri@votecorzine09.com or (973) 643-0500

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Yes! I would like to contribute \$ _____.

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If you prefer to pay by credit card, please complete the following information and return by fax to (973) 643-7885 or by mail to the above address.

_____ MasterCard _____ Visa _____ American Express

Name of Cardholder (**must be same as contributor**): _____

Credit Card #: _____ Exp. _____

Please sign below: I am making this contribution with my own personal funds and not with funds provided by any other person or entity.

Signature required: _____

Provide contributor information below:

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Full Name: _____

Home Address: _____

City: _____ State: _____ Zip: _____

Occupation: _____ Employer: _____

Employer Address: _____

City: _____ State: _____ Zip: _____

Telephone: (Home) _____ (Work) _____

E-mail: _____

Fax: _____

www.joncorzine09.com · Phone: (973) 643-0500 · Fax: (973) 643-7885 BB

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- Lobbyists who represent investment management firms in connection with the investment of State funds are also covered. Two year forward looking from contribution.

To: "Lisa Jackson" [windsor.richard@epa.gov]
From: CN=Aaron Dickerson/OU=DC/O=USEPA/C=US
Sent: Wed 7/29/2009 3:47:14 PM
Subject: Fw: Re:

Kevin Ryan can now be here at 3:30 if you would like to meet with him briefly. Let me know if you want to do it or just wait until his next visit.

Aaron Dickerson

----- Original Message -----

From: Katharine Gage
Sent: 07/29/2009 11:32 AM EDT
To: Aaron Dickerson
Subject: Fw: Re:

Aaron,

Can you ask her if this would be OK and let either me or Kevin know directly?

Thank you,
Kate

----- Forwarded by Katharine Gage/DC/USEPA/US on 07/29/2009 11:31 AM -----

From: "kevin" <[Personal Privacy]>
To: Katharine Gage/DC/USEPA/US@EPA
Date: 07/29/2009 10:16 AM
Subject: Re:

How about 3:30 - is that still possible? By the way, I am pretty sure I could have swum to DC faster. Children on their bikes are passing this train right now.

-----Original Message-----

From: Katharine Gage
To: Kevin Ryan
Subject: Re:
Sent: Jul 29, 2009 10:14 AM

Hi Kevin,
I'm sorry about this, but I just learned she has an appointment at 5:30 today and will be leaving the office then. She is very sorry to miss you, but is very interested in setting something up the next time you are in town- please let us know when that will be.

Thank you,
Kate

From: "kevin" <[Personal Privacy]>
To: Katharine Gage/DC/USEPA/US@EPA

Date: 07/29/2009 08:22 AM

Subject: Re:

Great. I will be there at 5:30. Thanks so much!

-----Original Message-----

From: Katharine Gage

To: Kevin Ryan

Subject: Re:

Sent: Jul 29, 2009 8:11 AM

Hi Kevin- I'm sorry to hear that. She really only has from 3:30-3:45 and after 530 free today (she leaves for Chicago tomorrow and the day is packed with a trip to the hill mid-day).

Do either of those times work?

----- Original Message -----

From: "Kevin" **Personal Privacy**

Sent: 07/29/2009 11:59 AM GMT

To: Katharine Gage

Katharine,

My train has been very delayed and we are not going to arrive in time for our meeting. Does Lisa have any time between 12:30 and 1, or at 1:45, or at 4:30 to 5:30?

Kevin M. Ryan Sent from my Verizon Wireless BlackBerry

Kevin M. Ryan Sent from my Verizon Wireless BlackBerry

Kevin M. Ryan Sent from my Verizon Wireless BlackBerry

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Thur 7/30/2009 10:27:33 PM
Subject: TSCA Principles

Lisa -- CEQ is scheduling a "principals" meeting with you, Cass Sunstein, Nancy Sutley and Sally Ericsson for Monday at 4:00. I am planning on attending with you.

I believe the idea is to achieve consensus between CEQ, OMB and EPA on our legislative principles. In advance of the meeting, we will receive an options paper from OMB which reflects Cass' effort to identify a wide range of regulatory 'models' for considering risk and cost in managing chemicals.

Deliberative

Deliberative

We'll have some background materials pulled together for your weekend reading and will find some time to brief you on Monday.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Thur 7/30/2009 4:28:40 PM
Subject: Fw: President Obama Names Medal of Freedom Recipients

FYI

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 07/30/2009 12:28 PM -----

From: "Milakofsky, Benjamin E." <[REDACTED]> **Personal Privacy**
To: "Lu, Christopher P." <[REDACTED]> **Personal Privacy** "Smith, Elizabeth S." <[REDACTED]>
"Hurlbut, Brandon K." <[REDACTED]> **Personal Privacy** "Kimball, Astri B." <[REDACTED]> **Personal Privacy**
"French, Michael J." <[REDACTED]> **Personal Privacy**
"Milakofsky, Benjamin E." <[REDACTED]> **Personal Privacy**
Date: 07/30/2009 12:00 PM
Subject: President Obama Names Medal of Freedom Recipients

Dear Chiefs of Staff:

Please see the below press release announcing the 2009 Presidential Medal of Freedom recipients.

--Cabinet Affairs

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
July 30, 2009

President Obama Names Medal of Freedom Recipients
16 Agents of Change to Receive Top Civilian Honor

WASHINGTON – President Obama today named 16 recipients of the 2009 Presidential Medal of Freedom. America's highest civilian honor, the Medal of Freedom is awarded to individuals who make an especially meritorious contribution to the security or national interests of the United States, world peace, cultural or other significant public or private endeavors.

This year's awardees were chosen for their work as agents of change. Among their many accomplishments in fields ranging from sports and art to science and medicine to politics and public policy, these men and women have changed the world for the better. They have blazed trails and broken down barriers. They have discovered new theories, launched new initiatives, and opened minds to new possibilities.

President Obama said, “These outstanding men and women represent an incredible diversity of backgrounds. Their tremendous accomplishments span fields from science to sports, from fine arts to foreign affairs. Yet they share one overarching trait: Each has been an agent of change. Each saw an imperfect world and set about improving it, often overcoming great obstacles along the way.

“Their relentless devotion to breaking down barriers and lifting up their fellow citizens sets a standard to which we all should strive. It is my great honor to award them the Medal of Freedom.”

President Obama will present the awards at a ceremony on Wednesday, August 12.

The following individuals will receive the 2009 Presidential Medal of Freedom:

Nancy Goodman Brinker

Nancy Goodman Brinker is the founder of Susan G. Komen for the Cure, the world’s leading breast cancer grass roots organization. Brinker established the organization in memory of her sister, who passed away from breast cancer in 1980. Through innovative events like Race for the Cure, the organization has given and invested over \$1.3 billion for research, health services and education services since its founding in 1982 and developed a worldwide grassroots network of breast cancer survivors and activists who are working together to save lives, empower people, ensure quality care for all and energize science to find cures. Brinker has received several awards for her work, and has also served in government as U.S. Ambassador to Hungary (2001 – 2003), Chief of Protocol of the U.S. (2007 – 2009), and Chair of the President’s Cancer Panel (1990). In May, Nancy Goodman Brinker was named the first-ever World Health Organization’s Goodwill Ambassador for Cancer Control.

Pedro José Greer, Jr.

Dr. Pedro Jose Greer is a physician and the Assistant Dean of Academic Affairs at the Florida International University School of Medicine, where he also serves as Chair of the Department of Humanities, Health and Society. Dr. Greer is the founder of Camillus Health Concern, an agency that provides medical care to over 10,000 homeless patients a year in the city of Miami. He is also the founder and medical director of the St. John Bosco Clinic which provides basic primary medical care to disadvantaged children and adults in the Little Havana community. He has been recognized by Presidents Clinton, Bush, Sr., and Carter for his work with Miami's poor. He is also the recipient of three Papal Medals as well as the prestigious MacArthur "genius grant". He currently has a joint private practice with his father, Pedro Greer, Sr.

Stephen Hawking

Stephen Hawking is an internationally-recognized theoretical physicist, having overcome a severe physical disability due to motor neuron disease. He is the Lucasian Professor of Mathematics at Cambridge University, a post previously held by Isaac Newton in 1669. In addition to his pioneering academic research in mathematics and physics, Hawking has penned three popular science books, including the bestselling *A Brief History of Time*. Hawking, a British citizen, believes that non-academics should be able to access his work just as physicists are, and has also published a children’s science book with his daughter. His persistence and dedication has unlocked new pathways of discovery and inspired everyday citizens.

Jack Kemp

Jack Kemp, who passed away in May 2009, served as a U.S. Congressman (1971 – 1989), Secretary of Housing and Urban Development (1989 – 1993), and Republican Nominee for Vice President (1996). Prior to entering public service, Kemp was a professional football player (1957 – 1969) and led the Buffalo Bills to American Football League championships in 1964 and 1965. In Congress and as a Cabinet Secretary, Kemp was a self-described “bleeding heart conservative” who worked to encourage development in underserved urban communities. In the years leading up to his death, Kemp continued seeking new solutions, raising public attention about the challenge of poverty, and working across party lines to improve the lives of Americans and others around the world.

Sen. Edward Kennedy

Senator Edward M. Kennedy has served in the United States Senate for forty-six years, and has been one of the

greatest lawmakers – and leaders – of our time. From reforming our public schools to strengthening civil rights laws and supporting working Americans, Senator Kennedy has dedicated his career to fighting for equal opportunity, fairness and justice for all Americans. He has worked tirelessly to ensure that every American has access to quality and affordable health care, and has succeeded in doing so for countless children, seniors, and Americans with disabilities. He has called health care reform the “cause of his life,” and has championed nearly every health care bill enacted by Congress over the course of the last five decades. Known as the “Lion of the Senate,” Senator Kennedy is widely respected on both sides of the aisle for his commitment to progress and his ability to legislate.

Billie Jean King

Billie Jean King was an acclaimed professional tennis player in the 1960s and 1970s, and has helped champion gender equality issues not only in sports, but in all areas of public life. King beat Bobby Riggs in the “Battle of the Sexes” tennis match, then the most viewed tennis match in history. King became one of the first openly lesbian major sports figures in America when she came out in 1981. Following her professional tennis career, King became the first woman commissioner in professional sports when she co-founded and led the World Team Tennis (WTT) League. The U.S. Tennis Association named the National Tennis Center, where the US Open is played, the Billie Jean King National Tennis Center in 2006.

Rev. Joseph Lowery

Reverend Lowery has been a leader in the U.S. civil rights movement since the early 1950s. Rev. Lowery helped organize the Montgomery bus boycott after Rosa Parks was denied a seat, and later co-founded the Southern Christian Leadership Conference, a leading civil rights organization, with Dr. Martin Luther King, Jr. Rev. Lowery led the march from Selma to Montgomery in 1965. Rev. Lowery is a minister in the United Methodist Church, and has continued to highlight important civil rights issues in the U.S. and worldwide, including apartheid in South Africa, since the 1960s.

Joe Medicine Crow – High Bird

Dr. Joseph Medicine Crow, the last living Plains Indian war chief, is the author of seminal works in Native American history and culture. He is the last person alive to have received direct oral testimony from a participant in the Battle of the Little Bighorn: his grandfather was a scout for General George Armstrong Custer. A veteran of World War II, Medicine Crow accomplished during the war all of the four tasks required to become a “war chief,” including stealing fifty Nazi SS horses from a German camp. Medicine Crow was the first member of his tribe to attend college, receiving his master’s degree in anthropology in 1939, and continues to lecture at universities and notable institutions like the United Nations. His contributions to the preservation of the culture and history of the First Americans are matched only by his importance as a role model to young Native Americans across the country.

Harvey Milk

Harvey Milk became the first openly gay elected official from a major city in the United States when he was elected to the San Francisco Board of Supervisors in 1977. Milk encouraged lesbian, gay, bisexual, and transgender (LGBT) citizens to live their lives openly and believed coming out was the only way they could change society and achieve social equality. Milk, alongside San Francisco Mayor George Moscone, was shot and killed in 1978 by Dan White, a former city supervisor. Milk is revered nationally and globally as a pioneer of the LGBT civil rights movement for his exceptional leadership and dedication to equal rights.

Sandra Day O’Connor

Justice O’Connor was the first woman ever to sit on the United States Supreme Court. Nominated by President Reagan in 1981, she served until her retirement in 2006. Prior to joining the Supreme Court, O’Connor served as a state trial and appellate judge in Arizona. She was also as a member of the Arizona state senate, where she became the first woman in the United States ever to lead a state senate as Senate Majority Leader. At a time when women rarely entered the legal profession, O’Connor graduated Stanford Law School third in her class, where she served on the Stanford Law Review and was elected to the Order of the Coif. Since retiring from the Supreme Court in 2006, O’Connor has served as Chancellor of the College of William and Mary, on the Board of Trustees of the National Constitution Center, and participated in the Iraq Study Group in 2006, as well as giving

numerous lectures on public service. She has received numerous awards for her outstanding achievements and public service.

Sidney Poitier

Sidney Poitier is a groundbreaking actor, becoming the top black movie star in the 1950s and 1960s. Poitier is the first African American to be nominated and win a Best Actor Academy Award, receive an award at a top international film festival (Venice Film Festival), and be the top grossing movie star in the United States. Poitier insisted that the film crew on *The Lost Man* be at least 50 percent African American, and starred in the first mainstream movies portraying “acceptable” interracial marriages and interracial kissing. Poitier began his acting career without any training or experience by auditioning at the American Negro Theatre.

Chita Rivera

Chita Rivera is an accomplished and versatile actress, singer, and dancer, who has won Two Tony Awards and received seven more nominations while breaking barriers and inspiring a generation of women to follow in her footsteps. In 2002, she became the first Hispanic recipient of the coveted Kennedy Center Honor. Propelled to stardom by her electric performance as Anita in the original Broadway premiere of *West Side Story*, Rivera went on to star in additional landmark musicals such as *Chicago*, *Bye Bye Birdie*, and *Jerry’s Girls*. She recently starred in *The Dancer’s Life*, an autobiographical musical about her celebrated life in the theatre.

Mary Robinson

Mary Robinson was the first female President of Ireland (1990 – 1997) and a former United Nations High Commissioner for Human Rights (1997 – 2002), a post that required her to end her presidency four months early. Robinson served as a prominent member of the Irish Senate prior to her election as President. She continues to bring attention to international issues as Honorary President of Oxfam International, and Chairs the Board of Global Alliance for Vaccines and Immunizations (GAVI Alliance). Since 2002 she has been President of Realizing Rights: The Ethical Globalization Initiative, based in New York, which is an organization she founded to make human rights the compass which charts a course for globalization that is fair, just and benefits all.

Janet Davison Rowley

Janet Davison Rowley, M.D., is the Blum Riese Distinguished Service Professor of Medicine, Molecular Genetics & Cell Biology and Human Genetics at The University of Chicago. She is an American human geneticist and the first scientist to identify a chromosomal translocation as the cause of leukemia and other cancers. Rowley is internationally renowned for her studies of chromosome abnormalities in human leukemia and lymphoma, which have led to dramatically improved survival rates for previously incurable cancers and the development of targeted therapies. In 1999 President Clinton awarded her the National Medal of Science--the nation's highest scientific honor.

Desmond Tutu

Desmond Tutu is an Anglican Archbishop emeritus who was a leading anti-apartheid activist in South Africa. Widely regarded as “South Africa's moral conscience,” he served as the General Secretary of the South African Council of Churches (SACC) from 1978 – 1985, where he led a formidable crusade in support of justice and racial reconciliation in South Africa. He received a Nobel Peace Prize for his work through SACC in 1984. Tutu was elected Archbishop of Cape Town in 1986, and the Chair of the South Africa Truth and Reconciliation Commission in 1995. He retired as Archbishop in 1996 and is currently Chair of the Elders.

Muhammad Yunus

Dr. Muhammad Yunus is a global leader in anti-poverty efforts, and has pioneered the use of “micro-loans” to provide credit to poor individuals without collateral. Dr. Yunus, an economist by training, founded the Grameen Bank in 1983 in his native Bangladesh to provide small, low-interest loans to the poor to help better their livelihood and communities. Despite its low interest rates and lending to poor individuals, Grameen Bank is sustainable and 98% percent of its loans are repaid – higher than other banking systems. It has spread its successful model throughout the world. Dr. Yunus received the Nobel Peace Prize in 2006 for his work.

##

To: Windsor.Richard@epamail.epa.gov;Thompson.Diane@epamail.epa.gov[];
hompson.Diane@epamail.epa.gov[]
Cc: "Katharine Gage" [Gage.Katharine@epamail.epa.gov]; Robert Goulding"
[Goulding.Robert@epamail.epa.gov]; Eric Wachter" [Wachter.Eric@epamail.epa.gov]; Aaron
Dickerson" [Dickerson.Aaron@epamail.epa.gov]; David McIntosh" [mcintosh.david@epa.gov]
From: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US
Sent: Fri 7/31/2009 12:03:58 AM
Subject: Fw: Beach Quality

Administrator, et al:

Sen durbin is looking to have a conversation with you tomorrow about beach quality testing. I can put together a memo on this in the am with the program, if you have time. It would be good to continue developing this relationship with durbin.

Would you be amenable to doing this call, and if so, kate - can you or aaron work with durbins staff (below) to find a time?

Thanks.

Sent from my Blackberry Wireless Device

From: "Neimeyer, Sarah (Durbin)" [Sarah_Neimeyer@durbin.senate.gov]
Sent: 07/30/2009 07:36 PM AST
To: Arvin Ganesan
Subject: Beach Quality

Arvin – In response to NRDC's report on beach quality, my boss is doing a beach event tomorrow.

Before we do the event and release a letter to EPA, he would like to talk to Administrator Jackson about the situation with the beaches in Illinois tomorrow morning. Is there a good number and time that he could call her.

Also, I understand from the report that EPA may have a pilot program to test rapid detection technologies. He will be asking that Illinois become a pilot site. Is the testing still underway?

Sorry for this last minute ask, but it's getting a lot of attention in Chicago and my boss wants to respond.

Thanks, Sarah

Sarah C. Neimeyer

Senior Legislative Assistant

Energy and Environmental Policy

Office of Senator Richard J. Durbin

202/224-3650 (direct)

To: windsor.richard@epa.gov[]
Cc: fulton.scott@epa.gov;thompson.diane@epa.gov;sussman.bob@epa.gov;froehlich.maryann@epa.gov[];
hompson.diane@epa.gov;sussman.bob@epa.gov;froehlich.maryann@epa.gov[];
ussman.bob@epa.gov;froehlich.maryann@epa.gov[]; roehlich.maryann@epa.gov[]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Fri 7/31/2009 3:16:17 AM
Subject: Summary of Investments/Redirections
[Redirections 7.31.xls](#)
[investment proposals refined 7.31.xls](#)

Hi Lisa: OCFO is putting the final touches on the FY 2011 budget guidance that will be provided to Agency leadership for purposes of putting together the more detailed budget that we will submit to OMB in mid-September. In order to stay on schedule, Maryann Froehlich is planning to issue the guidance tomorrow under her signature (this is consistent with past practice). While we could conceivably hold the guidance until Monday and set up a briefing for you on it, my sense that the guidance hews pretty tightly to the directions that you have provided and that a briefing is probably not necessary. But see what you think. We would, of course, coordinate this communication with Seth in case there are leaks (although all recipients will receive instructions to treat the process as embargoed).

A few thoughts on the thrust of the guidance:

Deliberative

Deliberative

Safe travels,

Scott

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US
Sent: Fri 7/31/2009 12:50:49 AM
Subject: Re: Beach Quality

Cool. Thx

Sent from my Blackberry Wireless Device

From: Richard Windsor
Sent: 07/30/2009 08:40 PM EDT
To: Arvin Ganesan
Subject: Re: Beach Quality

Sure.

From: Arvin Ganesan
Sent: 07/30/2009 08:03 PM EDT
To: Richard Windsor; Diane Thompson
Cc: Katharine Gage; Robert Goulding; Eric Wachter; Aaron Dickerson; "David McIntosh"
<mcintosh.david@epa.gov>
Subject: Fw: Beach Quality

Administrator, et al:

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Thanks, Sarah

Sarah C. Neimeyer

Senior Legislative Assistant

Energy and Environmental Policy

Office of Senator Richard J. Durbin

202/224-3650 (direct)

FY 2011 Redirection List

NPM	Program Component	HQ \$K	RT \$K	Tot \$K	HQ FTE	RT FTE	Tot FTE
OA							
OAR							
OARM							
OCFO							
OECA							
OEI							
OEI							
OPPTS							
ORD							
OSWER							
OW							
TRAVEL							

Deliberative Deliberative

Yellow Has Regional Component

Total

HQ \$K	RT \$K	Tot \$K	HQ FTE	RT FTE	Tot FTE
		Deliberative			

ents by Investment NPM

FY 2011 Selective Investments - Proposed Funding Levels and Details								
Investments	Program Components	NPM	HQ \$	HQ FTE	RT \$	RT FTE	Total \$	Total FTE
Promoting Healthy Communities	<div>Deliberative</div>							
Investment Total								
Promoting Clean and Sustainable Energy								
Investment Total								
Restoring Imperiled Waters								
Investment Total								
Investment Total								
Investment Total								
Investment Total								
Investment Total								

Total for all Investment Proposals

Deliberative

Ties out with MMAS/TFAA worksheet and "Master" worksheet.

To: CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;"Lisa Jackson" [windsor.richard@epa.gov]; Lisa Jackson" [windsor.richard@epa.gov]
Cc: "fulton scott" [fulton.scott@epa.gov]; Diane Thompson" [thompson.diane@epa.gov]; Bob Sussman" [Sussman.bob@epa.gov]; froehlich maryann" [froehlich.maryann@epa.gov]
From: CN=Richard Windsor/OU=DC/O=USEPA/C=US
Sent: Fri 7/31/2009 4:04:20 AM
Subject: Re: Summary of Investments/Redirections

Scott,

I think its fine for the guidance to go tomorrow based on what you've said. All sounds consistent with our small and large group discussions.

My only annotation (for the future) is that:

Deliberative

Tx, Lj

From: Scott Fulton
Sent: 07/30/2009 11:16 PM EDT
To: windsor.richard@epa.gov
Cc: fulton.scott@epa.gov; thompson.diane@epa.gov; sussman.bob@epa.gov; froehlich.maryann@epa.gov
Subject: Summary of Investments/Redirections

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Deliberative

Deliberative

Safe travels,

Scott

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Fri 7/31/2009 4:06:51 AM
Subject: Re: Summary of Investments/Redirections

Thanks! Be safe out there. Met the Pres and VP today. Thanks for an amazing ride. :-)

From: Richard Windsor
Sent: 07/31/2009 12:04 AM EDT
To: Scott Fulton; "Lisa Jackson" <windsor.richard@epa.gov>
Cc: "fulton scott" <fulton.scott@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>; "Bob Sussman" <Sussman.bob@epa.gov>; "froehlich maryann" <froehlich.maryann@epa.gov>
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A few thoughts on the thrust of the guidance:

Deliberative

Deliberative

Safe travels,

Scott

To: All EPA Employees[]
From: Mass Mailer
Sent: Fri 7/31/2009 12:52:07 PM
Subject: 4th Annual EPA Regulatory Agenda Art Contest
2009 Art Contest Flyer 20090722.doc

Visit the Agency's Intranet for More Information

All Hands Email-Archive

This message is being sent to all EPA Employees.
Please do not reply to this mass mailing.

<http://intranet.epa.gov/adplibrary/regagenda/index2.htm>
(embedded image)

Visit the Agency's Intranet for More Information

All Hands Email-Archive

This message is being sent to all EPA Employees.
Please do not reply to this mass mailing.

MEMORANDUM

SUBJECT: 4th Annual EPA Regulatory Agenda Art Contest

FROM: Lisa Heinzerling, Associate Administrator
Office of Policy, Economics, and Innovation

TO: All EPA Employees

I am pleased to announce the 4th Annual "EPA Regulatory Agenda Art Contest" for students (K-12) who are children or grandchildren of EPA employees or members of the EPA-RTP Employees' Recreation Association. The winners will receive a \$250 savings bond, and their submissions may be featured on the cover of either the upcoming fall 2009 or spring 2010 Regulatory Agenda. As a special bonus – and an enticement to considering a career in environmental policy – winners will also receive a copy of the Regulatory Agenda itself. They are not required to read it.

Lest you think that the notion of a "regulatory agenda art contest" has an oxymoronic quality to it, look at this year's themes for the contest:

Fall Agenda Theme: From ants to zebras and everything in between, all life on earth has an important job to do.

Spring Agenda Theme: How can you see the principles "reduce, reuse, recycle" in your life?

All entries must be original art work and must be received by the Regulatory Management Division by October 1, 2009. To review the complete rules, learn more about the Agenda, or see a gallery of previous year's winners, go to:

<http://intranet.epa.gov/adplibrary/regagenda/index2.htm>

Please contact Madeline Barch of the Regulatory Management Division, (202) 250-8706, if you have any questions.

Attachment:

EPA/ENR

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US
Sent: Fri 7/31/2009 2:45:01 PM
Subject: Durbin call

Talking Points -

Deliberative

Deliberative

ARVIN R. GANESAN
Deputy Associate Administrator
Congressional Affairs
Office of the Administrator
United States Environmental Protection Agency
Ganesan.Arvin@epa.gov
(p) 202.564.5200
(f) 202.501.1519

To: "Windsor, Richard" [Windsor.richard@epa.gov]; Thompson, Diane" [thompson.diane@epa.gov]
From: CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US
Sent: Fri 7/31/2009 7:42:29 PM
Subject: Fw: EOC SPECIAL SITUATION REPORT - El Dorado Chemical Plant Fire, Bryan, TX

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: Personal Privacy

----- Original Message -----

From: Epahq Eoc

Sent: 07/31/2009 02:04 PM EDT

To: Adora Andy; Alan Humphrey; Allyn Brooks-LaSure; Amy Hayden; Andy Zownir; brandon.foreman@dhs.gov; Barbara Grimm-Crawford; Barry Breen; Becky Barnes; Betsy Devlin; Betsy Valente; Brandon Foreman; Brigid Lowery; Bruce Kulpan; Bruce Potoka; Carlos Pachon; Carolyn Levine; Cece Kremer/DC/USEPA/US@EPA; Charlotte Englert; Chris Reiner; Christine Edwards; Christine Wagner; Christopher Burgess; Craig Beasley; Craig Matthiessen; Curt Baranowski; Curtis Snook; Dale Perry; Dale Kemery; Dana Stalcup; Dana Tulis; Dave Mickunas; Dave Wright; DavidW Charters; Debbie Dietrich; Debbie Newberry; Deborah Burgin; Dennisses Valdes; epa.hscenter@dhs.gov; Ellen Manges; Ellyn Fine; Enesta Jones; Epahq Eoc; EPAHQ EPAC; Eric Mosher; Eric Steinhuis; Erik Swenson; FEMA-NRCC-esf10epa@dhs.gov; Gary Perlman; George Hull; George Prince; Greg Powell; Gregg Dempsey; Harry Allen; Harry Compton; HarryL Allen; James Michael; James Woolford; Jean Schumann; Jeff Morin; Jeffrey Levy; Jim Knoy; Joann Eskelsen; John Cunningham; John Gilbert; John Kasper; John Whitler; JohnC Martin; Jonathan Edwards; Jose Negron; Juan Reyes; Julie Lastra; Keith Takata; Kevin Guarino; Kevin Tingley; Kurt Grunert; Lance Richman; Lee Tyner; Mario Ierardi; Mark Hamilton; Mark Mjones; Mark Sprenger; Michael Hubbard; Michael Ottlinger; Michael Thiem; Michele Burgess; Michele Mckeever; Mike Shanahan; Nanci Gelb; Nancy Ur; Nealson Watkins; NICT; NICT CCS; OPA Web; OSWER OEM EOC/RRC; OSWER OEM Everyone; OSWER OEM REMOVAL MANAGERS; OSWER OSRTI ERT-West; Pam Phillips; Patrice Kortuem; Patrick Coyne; Philip Campagna; Public Affairs Directors; Raj Singhvi; Randy Deitz; Raoul Scott; Raquel Snyder; Ray Worley; Ralph Dollhopf; Renee Wynn; Rich Hood; Rich Martyn; Richard Jeng; Robert Cibulskis; Robert Reimer; Rosemary Workman; Ryan Costello; Sam Poppell; Sella Burchette; Shawna Bergman; Sophie Kastner; Stacey Noem; Stan Meiburg; Stephanie Thornton; Stephen Clark; Steve Hawthorn; Steve Jones; Tarah Somers; Ted Stanich; William Lometti

Cc: eoc.epahq@epa.gov

Subject: EOC SPECIAL SITUATION REPORT - El Dorado Chemical Plant Fire, Bryan, TX
EOC Special Situation Report

For Internal Use Only

El Dorado Chemical Plant Fire, Bryan, TX

July 31, 2009

11:50 EST

Situation

On July 30, 2009, the State of Texas State Operations Center (SOC) received a report of a large chemical fire at the El Dorado Chemical plant in Bryan, Brazos County. The building contains various chemicals and

fertilizers, including ammonium nitrate. The initial assessment determined that the primary chemical of concern and by-product of the fire would be ammonia gas.

Local, State and Federal responders (including Bryan and College Station Fire Departments, Texas Commission on Environmental Quality, Civil Support Team, and EPA) formed a Unified Command to coordinate response activities, and set up an incident command post.

Local officials ordered a three mile radius evacuation which covered the northern half of Brazos County and impacted up to 85,000 residents. An evacuation shelter was established at Reed Arena for the displaced residents. Due to limited visibility and the nature of the materials involved in the fire, Unified Command decided to allow the fire to smolder overnight and re-assess site conditions during daylight hours on 31 July 2009.

Actions Taken

An EPA Region 6 On-Scene Coordinator (OSC) was deployed to the site with START contractors.

The EPA chemical detection airplane, ASPECT (Airborn Spectral and Photometric Environmental Collection Technology), was also deployed to gather data on the chemicals in the smoke plume.

Upon arrival at the site the EPA OSC and START contractors met with the Unified Command and received a situation update. After establishing an evacuation zone, Unified Command made an initial entry to determine the nature and extent of the fire and facility. At that time it was determined to allow the fire to burn out based on the amount of ammonium nitrate and the potential explosive hazards associated with the material.

A second entry was conducted by the chemical plant's contractor to gather additional site information and begin preparing a remediation plan. Ammonia levels ranged from non-detect to 18 parts per million.

ASPECT collected three sets of data, including two on 30 July and one on the morning of 31 July 2009. Data collected included infrared spectral data, infrared line scanner images, and visible digital images. Analysis of data from the first flight showed detections of ammonia and ozone near and immediately downwind of the fire. Data collected during the second flight showed reduced levels of ammonia near the fire, and no significant ozone levels. Data collected on the morning of 31 July showed no detections. Based on the baseline air monitoring data and the preliminary results from the ASPECT flights, Unified Command removed the remaining evacuation zone. However, Highway 21 remains closed because of the close proximity of the facility to the highway.

A mitigation plan was approved to address the smoldering timbers and to segregate the pile of ammonia nitrate product from the ammonia sulfate product pile.

Key Issues

Ammonium nitrate is a dangerous, strong oxidizer. Contact with other material may cause fire or explosion. It is harmful if swallowed or inhaled, and causes irritation to skin, eyes and respiratory tract.

Potential heavy rain showers are predicted for the area.

Future Actions

The PRP and its contractors are currently developing a formal remediation action plan for review and approval by Unified Command.

EPA, the Civil Support Team, TCEQ and the chemical plant's contractor will continue to collect air monitoring data for public health and worker protection purposes.

The Office of Solid Waste and Emergency Response will continue to monitor this situation, and will provide additional updates as appropriate. If you have any questions regarding this incident, please contact the HQ Emergency Operations Center at (202) 564-3850.

Lynn Beasley
U.S. Environmental Protection Agency
Headquarters Emergency Operations Center
1200 Pennsylvania Ave
Washington, DC 20004
202-564-3850 202-564-8729 (fax)

<mailto:eoc.epahq@epa.gov>



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The Regulatory Management Division
Of EPA's Office of Policy, Economics, and Innovation
&
The EPA-RTP Employees' Recreation Association
Are Excited to Present...

The 4th Annual EPA Regulatory Agenda Student Art Contest

Students (grades K through 12) who are children or grandchildren of EPA employees or EPA-RTP Employees' Recreation Association Members are invited to submit original artwork that reflects one of this year's two themes.

Fall Agenda Theme: From ants to zebras and everything in between, all life on earth has an important job to do.

Spring Agenda Theme: How can you see the principles "reduce, reuse, recycle" in your life?

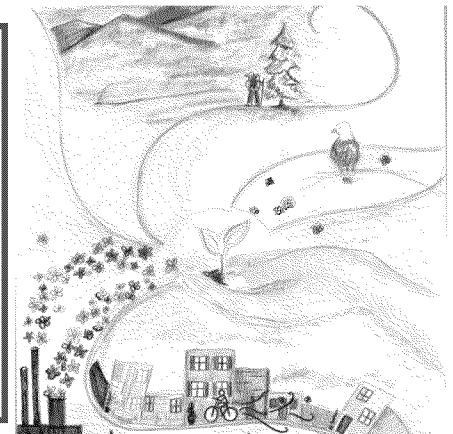
A panel of judges will select the two submissions that best reflect the themes. Each of the two winners will receive a \$250 Savings Bond and have their art featured on the Fall 2009 or Spring 2010 Agenda cover. This publication provides managers, Congress, and the public with key information about regulations that the Agency is working on.

For more information about the Agenda and to see a gallery of previous year's winners, go to:
<http://intranet.epa.gov/adplibrary/regagenda/index2.htm>



**Submissions Due
October 1, 2009**

For complete contest rules and
submission guidelines, see below.



CONTEST RULES

- Artwork must be no larger than 8.5" x 11". Mixed media and original, computer-generated art work *is* permitted. Sorry, no photography.
- The contest this year is for children and grandchildren of EPA Employees or EPA-RTP Employees' Recreation Association in grades K-12 (stepchildren and foster children and step/foster grandchildren are eligible as well).
- Children or grandchildren of the Regulatory Management Division employees or contest judges **are not eligible** to participate.
- Entries may be submitted in hard copy or electronically.
- Multiple entries per student are permissible.
- Submissions **must** include a separate hard copy or electronic cover sheet with the following:
 - The theme: Fall or Spring
 - Name, Grade, Address and Phone Number
 - Name of EPA employee and relationship of submitter to the employee
- All entries cannot be returned to students and become property of EPA.
- Any artwork submitted may be used by EPA for publication, reproduction, distribution or display and may be modified for EPA's purposes.
- EPA reserves the right to not use winning art on the Agenda cover.
- If the winners' parents give their consent, the winners' names and schools will be identified in both the hard copies and electronic copies of the Agenda.
- Artwork of runner-up contestants may be used inside of the book or on the back cover, and permission will be requested of runner-up contestants' parents to acknowledge the artist.
- All submissions must be received no later than close of business **October 1, 2009**.

SUBMISSION GUIDELINES

Entries may be submitted to Dorothy King any one of the three following ways:

Hand Delivered to Room 6440B Ariel Rios North Building.

E-mailed as attachment to King.Dorothy@epa.gov

Mailed to Dorothy King (1803A)
1200 Pennsylvania Ave., NW
Washington, DC 20460

Any questions? For further information contact:

Dorothy King
Regulatory Management Division, OPEI
(202) 564-1334

<http://www.nytimes.com/2009/07/30/business/smallbusiness/30sbiz.html?pagewanted=1& r=1&sq=new%20orleans&st=cse&scp=1>

New York Times
July 30, 2009

Entrepreneurs Leverage New Orleans's Charm to Lure Small Businesses

By ABBY ELLIN

IT has been a long time since the word “optimism” was spoken in the same sentence as “New Orleans.”

But a small group of entrepreneurs has been using that word lately to describe their efforts to attract small businesses to New Orleans. For now, their enthusiasm may be greater than their results. But they say the city’s low rents and business tax incentives along with its music and culture have proved to be powerful lures, despite the still-halting efforts to get past the devastation of Hurricane Katrina in 2005.

“We’re seeing the exact same thing here that we saw in the Bay Area in the mid ’90s,” said Michael Hecht, 38, president of Greater New Orleans Inc., a nonprofit economic development agency. He moved to New Orleans in early 2006 after time in both San Francisco and New York. “There’s a sense of opportunity and possibility, combined with people who have the horsepower to actualize those possibilities.”

Since Hurricane Katrina, at least four formal entrepreneurial hubs have been established in New Orleans: Entrepreneur’s Row, the Icehouse, the I.P., (an acronym for Intellectual Property) and the Entergy Innovation Center. While they all hope to help nurture individual businesses, they are not technically incubators. Instead, they house start-ups and established companies while focusing on “clustering like-minded entrepreneurs to build their businesses together,” said Tim Williamson, 44, the co-founder and chief executive of the Idea Village, a nonprofit group founded in 2000 that helped created the I.P.

So far, they seem to be doing something right. According to the Louisiana Workforce Commission, the New Orleans metropolitan area reported an increase of nearly 100,000 nonfarm jobs from October 2005 — soon after Katrina — to June 2009. By 2016, the commission expects New Orleans area employment to grow 24 percent from 2006 levels, or to 98.8 percent of pre-Katrina levels.

“There has never been a better time in Louisiana for the creative class to thrive,” said Mitchell J. Landrieu, the state’s lieutenant governor.

Jon Guidroz, 27, is one of the entrepreneurs who was persuaded to move to the city. He grew up in New Orleans but was living in Massachusetts and working for Free Flow Power, a renewable energy company, after Katrina hit. “I wanted to return to help,” he said. But he said he did not see a strong business reason to move.

Then, last year, Sean Cummings, a real estate developer and entrepreneur in New Orleans, randomly found Free Flow’s Web site and noticed that the company had a Mississippi River project in the works. Mr. Cummings, 44, a co-founder of a group called

Startup New Orleans, invited Mr. Guidroz to visit his offices in New Orleans at 220 Camp Street, a loft building called Entrepreneur's Row. As an extra incentive, Mr. Cummings even offered to give him six months free rent.

"He helped me fulfill my dream of bringing this business to New Orleans," said Mr. Guidroz, who moved back in January. "Until these guys rolled out the red carpet for me — immediate access to a substantial network in the city and state for getting things done, finding local investors — I don't think we would have done it."

Entrepreneur's Row was conceived in May 2007, when Mr. Cummings received a phone call from Nicolas Perkin, the co-founder and president of the Receivables Exchange, an electronic marketplace for the buying and selling of commercial receivables. Mr. Perkin had recently gotten married, and he and his bride wanted to relocate to New Orleans from New York. What did Mr. Cummings think?

Mr. Cummings thought it was a great idea, and the two men set about figuring out how to attract other entrepreneurs to the city. "To really prosper, New Orleans must focus on the few opportunities where we have a compelling competitive advantage," Mr. Cummings said. "We must likewise recruit entrepreneurs who are drawn to a joyful quality of life. It's a home-run success story. Entrepreneurs are reinventing New Orleans, like Prague after the curtain, like Milan, like a smaller Seattle."

Along with three other business executives, Mr. Cummings and Mr. Perkin came up with Startup New Orleans, a Web-based information service to connect entrepreneurs with the resources they need to set up a new business. In March 2008, Mr. Cummings established Entrepreneur's Row. Today, it is home to nine companies, including the Receivables Exchange; Mr. Guidroz's company Free Flow Power; and Audiosocket, a music licensor. (Mr. Cummings has a financial stake in at least six of the companies.)

The Icehouse — a 12,000-square-foot, renovated warehouse in the Seventh Ward, which was severely damaged by Katrina — opened in April 2008 and now houses seven businesses. They each pay \$600 a desk each month, which covers a phone with private number, high-speed Internet, a kitchen and a rooftop deck access.

"One of the things we wanted to do post-Katrina was to make sure that our footprint had maximum impact," said Robbie Vitrano, president of Trumpet, a branding and business development firm that is managing the building. "We wanted to be in a neighborhood that was redeveloping." Mr. Vitrano, 45, is also a co-founder of Startup New Orleans. Earlier this year, the Idea Village and Greater New Orleans Inc. refurbished an 85,000-square-foot building at 643 Magazine Street in the warehouse district and called it the I.P. (Intellectual Property). It has nine tenants, including TurboSquid, a 3-D modeling company; TJ Ebbert and Associates, a disaster management consulting firm; and Carrollton Technology Partners, a technology development company. The building has a cafe, a gym with his and her saunas, business concierge desk and multiple "brainstorm rooms."

Part of the appeal is that New Orleans is, perhaps, the ultimate college campus for adults. After work, many of the young businesspeople gather for drinks at International House, the boutique hotel in the central business district that Mr. Cummings opened 10 years ago across the street from his loft building. Mr. Cummings and Mr. Perkin also hold monthly meetings at the hotel in which business owners can share war stories and vent.

"The thing about this city, like no other — everybody wants everyone to succeed," said Seema Sudan, the owner and director of design at the knitwear company LiaMolly, who

moved to New Orleans in October 2007. “I have never been in a place that is so community-oriented,” she said. “Competitive gets you nowhere. It’s about being collaborative. And this city is so like that, from the people helping each other rebuild their homes to building businesses.”

She said she also appreciated the quality of life, and the fact that she paid \$800 for a 900-square-foot studio in the Garden District, and \$1,800 for a three-bedroom apartment with a yard and tree house.

Two years into his project, Mr. Cummings remains enthusiastic.

“I am blown away by the caliber of talent,” he said. “It’s a thriving creative culture of invention. And it is growing every day.”

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Cc: "Woodka, Janet" <Janet.Woodka@dhs.gov>, "Banta, Drue" <Drue.Banta@dhs.gov>, "Watson, Shannon" <Shannon.Watson@dhs.gov>, "Fraser, Timothy" <Timothy.Fraser@dhs.gov>, "Simms, Nathan" <Nathan.Simms@dhs.gov>, "Stewart, Jessica" <Jessica.Stewart@dhs.gov>, "Goucher, Rob" <rob.goucher@dhs.gov>, "Lundqvist, Hanna" <Hanna.Lundqvist@dhs.gov>, "Gehring, Wendy" <Wendy.Gehring@dhs.gov>
Date: 07/31/2009 04:32 PM
Subject: Gulf Coast Rebuilding Weekly Update 7/31/09

Office of the Federal Coordinator for Gulf Coast Rebuilding
Weekly Update 7/31/2009

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This Week

The 2009 edition of the New Orleans Index from the Brookings Institution was released on Thursday, July 30 and is attached. GCR staff and invited guests received an advanced briefing. The Brookings Institution has monitored social and economic recovery on the Gulf Coast since 2005 when the index was developed. Going forward, the New Orleans Index will be issued every August to provide a detailed analysis of the recovery at the anniversary of Katrina.

Last week, 37,000 Lutheran youth and their escorts held the largest convention in New Orleans since Hurricane Katrina. They spent three days in New Orleans, and on each day a third of the group volunteered in hundreds of schools, churches and non-profits.

The New York Times profiled the efforts of entrepreneurs to bring small businesses to New Orleans on July 30. Indicative of some of the new opportunities in New Orleans, the article highlights 4 entrepreneur centers opening around the city that are drawing young professionals in the arts, business, and other industries. The article is attached.

On Wednesday, July 29, the Senate passed the Energy and Water Appropriations Act, which included an amendment offered by Louisiana Senators Mary Landrieu (D) and David Vitter (R) to require the U.S. Army Corps of Engineers to conduct a feasibility study of the options (1, 2 and 2a), known as the "pump to the river" proposal, for storm surge protection at the outfall canals in New Orleans using currently existing appropriations.

Mayor Ray Nagin visited Washington, D.C. on Tuesday and Wednesday. He met with Secretary Donovan about housing issues and Rep. Maxine Waters about housing, economic development, and infrastructure issues. He was accompanied by the LRA's Paul Rainwater. Rainwater also met with Fred Tombar at HUD and Federal Coordinator Janet Woodka.

Last week, the Advisory Group on Forced Evictions (AGFE) which provides services to the Executive Director of United Nations Human Settlements Programme (UN-HABITAT) visited New Orleans. This week they met with members of the administration including GCR and HUD regarding housing issues and the health care complex in New Orleans. They will report their findings to UN-HABITAT and will make a copy of the report available to the Administration.

This week the U.S. Department of Housing and Urban Development announced the release of over \$39 million to the State of Louisiana. These funds were released from the HOME program via the American Recovery and Reinvestment Act of 2009 with the intent of jump-starting the Low Income Housing Tax Credits Developments stalled due adverse affects of the equity investment market.

The Louisiana State Bond Commission approved the use of \$67 million in hurricane-recovery GO Zone tax-free bonds for four New Orleans-area projects: construction of two movie theaters, a hydrogen pipeline and repairs to a St. Charles Parish hydrogen facility. Of the \$1 billion allocated to the GO Zone bonds in 2005, nearly \$740 million remains untouched due to the tight credit market, jittery investors, and difficulty selling the bonds. The State Bond

Commission also approved the sale of \$500 million in general obligation bonds to help cover the cost of ongoing construction projects. This move will bring the backlog of state projects funded through bonds down to \$600 million.

Brigadier General Michael Walsh, commander of the Corps Mississippi Valley Division was in New Orleans on July 28 for a briefing on the status of the New Orleans area hurricane protection work.

The State of Louisiana's Coastal Restoration and Protection Agency (CPRA) held a series of public meetings in the Lake Charles, Houma and New Orleans on July 28, 29 and 30 develop a project implementation process that is capable of addressing Louisiana's coastal crisis. Local officials do not believe the Corps of Engineers' current process and structure will help them to accomplish their coastal restoration goals. In early September, the CPRA plans to meet with federal officials and the La. congressional delegation in Washington to present a consensus list of interim solutions accompanied by letters of support from stakeholders attending the public meetings noted above.

Acting Assistant Secretary of the Army Terrance Salt met with Senator Landrieu this week regarding her vision for coastal Louisiana and the Administration's review of water policy. Senator Landrieu is a strong proponent of incorporating water into the landscape and has visited the Netherlands several times to learn more about the issue. On her most recent visit, the Senator was briefed on the country's long term plans for dealing with sea level rise and climate change and would like coastal communities in the U.S. to use these lessons in their own long-term planning.

FEMA Administrator Fugate testified on Monday, July 27 before the House Transportation Public Buildings Subcommittee hearing on catastrophic annex. The hearing explored whether FEMA needs ancillary emergency powers in the event of a catastrophic disaster.

GCR staff met with Betty Weiss, Director of Community Initiatives for the Institute for Sustainable Communities to discuss how our office can partner up and help in their efforts in the Gulf Coast.

GCR staff talked with Fred Wong, Outreach Coordinator for the Corporation for National Community Service to discuss how the GCR can partner with and promote the volunteer service opportunities presented by various non-profits for the 4th Anniversary of Hurricane Katrina.

in conjunction with the White House Office of Faith Based Initiatives and the Domestic Policy Council, Janet Woodka met with more than 20 non-profit faith based organizations to discuss Gulf Coast rebuilding and develop a regular dialogue about the Administration's work. Also participating in the meeting were representatives from the Faith Based Initiative office of HHS, HUD and DHS.

Comings and Goings

On Tuesday, August 4, the Senate Homeland Security and Governmental Affairs Disaster Recovery Subcommittee will hold a hearing on the impacts of disasters on children, focusing on evacuation planning and mental health recovery of this special population. The Subcommittee is chaired by Senator Mary Landrieu (D-LA). Witnesses will include FEMA Administrator Craig Fugate; Rear Admiral Nicole Lurie, MD, MSPH, U.S. Public Health Service Assistant Secretary for Preparedness (HHS); and Cynthia A. Bascetta, Director, Health Care, U.S. Government Accountability Office. Additionally, Mark Shriver of Save the Children, Dr. Irwin Redlener of the Children's Health Fund, and Ms. Teri Fontenot of Woman's Hospital of Baton Rouge, LA, will testify.

Janet Woodka will participate in the Friends Of New Orleans/Aspen Institute conference in Aspen, Colorado.

Secretary Napolitano, FEMA Administrator Fugate, and Federal Coordinator Woodka will participate in an event celebrating the SUNO PA award on August 17.

The Deputy Director of the OMB and several members of the OMB staff will visit the Gulf Coast August 18-21 to visit various sites.

Janet Woodka and GCR staff increase presence in New Orleans starting August 15 and through the end of the month due to the critical time this is for locals and to utilize this energy to advance overall policy goals.

Rep. Maxine Waters is likely to hold a field hearing August 21-22 on housing related issues in New Orleans.

Lieutenant General Robert Van Antwerp, Chief of the U.S. Army Corps of Engineers, is considering a trip to Louisiana in late August.

HUD Secretary Shaun Donovan may travel to New Orleans August 27-28 around the Katrina anniversary.

Senator Mary Landrieu may hold a field hearing on recovery in Galveston, TX in early September.

Forthcoming

On Wednesday, August 5, GCR will host an interagency meeting to discuss coordination of environmental reviews between federal agencies involved in rebuilding.

The DHS arbitration panel is expected to be announced late next week. Senator Landrieu will likely hold a press conference. The arbitration panel is designed to bring disputed PAs to final resolution and was called for by Sen. Landrieu.

Senator Landrieu will hold a roundtable on the Road Home program.

To recognize and support the efforts of non-profits and faith-based organizations working on the ground in New Orleans and to support the President's call to service, Gulf Coast Rebuilding is inviting all federal partners to donating our sweat to four different groups and individuals for four days – August 26, 27, 28, and 29. An invitation was sent separately but please feel free to email Tim Fraser (timothy.fraser@dhs.gov) should you need additional details or information or to sign up to join us.

DHS Community Service and Volunteerism is sponsoring a Rebuilding the Gulf volunteer project during the week of October 19-24 with Habitat for Humanity of the Mississippi Gulf. Space is reserved for Team DHS and all are encouraged to participate. For more details please go to DHS online Community Service and volunteerism.

Moirá Whelan
Deputy, Office of the Federal Coordinator for Gulf Coast Rebuilding
202-325-0196

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=David McIntosh/OU=DC/O=USEPA/C=US
Sent: Fri 7/31/2009 10:12:15 PM
Subject: Fw: Weekly Update (Energy & Climate Working Group)

FYI

----- Forwarded by David McIntosh/DC/USEPA/US on 07/31/2009 06:11 PM -----

From: "Hurlbut, Brandon K." {**Personal Privacy**}
To:
Cc: <Uzzell.Megan@dol.gov>, <MacDonald.Laura@dol.gov>, <Grant.Leslie@osec.usda.gov>, <missy.owens@hq.doe.gov>, <Rod.Oconnor@hq.doe.gov>, David McIntosh/DC/USEPA/US@EPA, <brian_screnar@ios.doi.gov>, <Kenneth_Lane@ios.doi.gov>, <kathryn.thomson@dot.gov>, <Nate.Turnbull@Dot.Gov>, <PShah@doc.gov>, <CGregoire@doc.gov>, <James.C.Lopez@hud.gov>
Date: 07/31/2009 05:27 PM
Subject: RE: Weekly Update

Thanks for your work on another great week! Please share the report below with your Cabinet member and CoS. I have been in a few meetings where "green" Cabinet members have expressed frustration that there was not more action on energy – I think it would help for them to know about all of the great work you are doing.

From: Zichal, Heather R.
Sent: Friday, July 31, 2009 5:10 PM
To: Messina, Jim A.
Cc: 'Uzzell.Megan@dol.gov'; 'MacDonald.Laura@dol.gov'; 'Grant.Leslie@osec.usda.gov'; 'missy.owens@hq.doe.gov'; 'Rod.Oconnor@hq.doe.gov'; 'mcintosh.david@epa.gov'; 'brian_screnar@ios.doi.gov'; 'Kenneth_Lane@ios.doi.gov'; 'kathryn.thomson@dot.gov'; 'Nate.Turnbull@Dot.Gov'; 'PShah@doc.gov'; 'CGregoire@doc.gov'; 'James.C.Lopez@hud.gov'; Kumar, Aditya; Carson, Jonathan K.; Glunz, Christine M.; Maher, Jessica A.; Salzman, Amelia S.; Shah, Tarak N.; Agnew, David P.; McGrath, Shaun L.; French, Michael J.; Hurlbut, Brandon K.; Levine, Jacob C.; Belive, Lauren; Heimbach, James T.; Lehigh, Matthew A.; Reynolds, Christina; Dillon, Patrick; 'gregory.nelson@hq.doe.gov'; Wicks, Buffy; Sheehy, Kristin J.
Subject: Weekly Update

To: Jim Messina
From: Energy & Climate Working Group
Date: July 31, 2009
RE: Weekly Update

The Energy & Climate Working Group weekly update is the following:

1. Cabinet members will host energy message events in eight states next week. On August 3, Secretary Chu will travel to Rochester, Minnesota, where he will visit an IBEW training facility and discuss the importance of clean jobs as part of the economy recovery effort. Secretary Solis will be in WV that day for a mining event, but she will have private discussions about energy reform with Members of the delegation. On August 4, Secretary Salazar will tour a solar plant outside of Denver, CO. On August 5, the following Cabinet members will host events amplifying the President's announcement on batteries: Chu in

Charlotte, NC; Jackson in Tampa, FL; Locke in Kansas City, MO; and LaHood in Lyon Station, PA. Ed Montgomery will amplify the announcement in WV. On August 6, Secretary Chu will keynote an energy forum hosted by Congressman Ed Markey in Boston and Secretary LaHood will host an energy event in Indianapolis, IN. Several of those events will include private greets with community energy leaders selected by OPE, the agency, and political affairs.

2. Scheduled two regional stakeholder briefings in EEOB. On August 14, Secretary Locke and Carol Browner will host a Rust Belt regional stakeholder briefing and on August 24, Secretaries Locke and Vilsack will host a Midwest regional stakeholder briefing. We will host local press stakeouts immediately after the briefings.

3. Progress on planning bipartisan governors energy forums. We have confirmed the following governors to host energy forums: Governor Ritter in Colorado on August 27; Governor Granholm in Michigan on September 2; Governor Kaine in Virginia the week of September 7; and Governor Rendell in Pennsylvania on September 15. We are working on adding a Cabinet member and republican governors supporting energy reform to those forums.

4. Activating local mayors. We will be staging a series of state-by-state calls in 18 states beginning August 10. There will be one call per state – we will invite every mayor who has signed the climate protection agreement in that state. On each call, we will have a senior agency official and someone from OECC where we will brief the mayors on the status of the legislation, lay out a series of actions we would like them to take (op-eds, individual press conferences, roundtables/town halls, statewide press conferences as a group), and take their questions.

5. Created 17 state briefing packets. We have completed 17 state briefing packets that include the following information: specific energy legislation issues for each Senator (provided by leg affairs); specific regional issue talking points (provided by David Simas); federal energy investments in that state; key Senator relationships; and top local stakeholders. Those materials will be used in conjunction with activities affecting those targeted states.

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Eric Wachter/OU=DC/O=USEPA/C=US
Sent: Fri 7/31/2009 9:35:21 PM
Subject: Re: **REVISED** Monday, August 3, 2009 Schedule for Lisa P. Jackson

Is there a day next weekend when you'd like the folks to come in and install your computer, printer, fax, and secure telephone line?

From: Richard Windsor/DC/USEPA/US
To: Daniel Gerasimowicz/DC/USEPA/US@EPA, Katharine Gage/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, [Personal Privacy]/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA, [Personal Privacy]
Date: 07/31/2009 05:33 PM
Subject: Re: **REVISED** Monday, August 3, 2009 Schedule for Lisa P. Jackson

All, this needs to be revised to include 45 minutes of travel time (that's what is realistic at rush hour) between my house and the WH. So I need a 745 am pickup in the morning.

----- Original Message -----

From: Daniel Gerasimowicz

Sent: 07/31/2009 05:29 PM EDT

To: Michelle DePass; Steve Owens; Peter Silva; Peter Grevatt; Sarah Pallone; Mathy Stanislaus; Cynthia Giles; Gina McCarthy; Alicia Kaiser; Lawrence Elworth; Seth Oster; Katharine Gage; Stephanie Washington; Diane Thompson; Arvin Ganesan; Marcus McClendon; Ray Spears; Sarah Dale; Georgia Bednar; Carla Veney; Scott Fulton; Bob Sussman; Allyn Brooks-LaSure; Richard Windsor; Eric Wachter; [Personal Privacy] Robert Goulding; Lisa Heinzerling; David McIntosh

Subject: **REVISED** Monday, August 3, 2009 Schedule for Lisa P. Jackson

Please note: The Administrator's schedule has been updated (updates in bold) to include:

- Appropriate PSD staffing.
- Additional information from the WH Media Office - The Administrator should arrive for the Essence Photo Prep at 8:30 AM (rather than the original scheduled time of 8 AM).

Thank you and have a great weekend!

*** do not copy or forward this information ***

Schedule for Lisa P. Jackson EPA Administrator
Monday, August 3, 2009
Notes:

Drivers

AM

PM

Personal Privacy

Shift Leaders

AM

PM

Personal Privacy

Personal Privacy

Staff Contact
Robert Goulding 202-596-0245

08:00 AM - 08:30 AM Residence Depart for EEOB

08:30 AM - 09:15 AM EEOB Room 230 (Secretary of War Room) Essence Photo Shoot Prep
Staff Ct: Allyn Brooks-LaSure (OPA) 564-1540
Logistical Ct: Corey Ealons (WH Press Office) **Personal Privacy**

Staff: Allyn Brooks-LaSure or Adora Andy (OPA)

All attendees are scheduled to have approximately 10 minutes to receive hair and makeup prep and an individual photo taken

The Administrator is scheduled for hair/makeup and individual photo from 8:50 - 9 AM

Following the prep time, individuals will travel to the WH North Portico for a Group Photo Shoot to take place at 9:30 AM

Suggested Dress: Dress in what is comfortable and best represents your business sense and personality. Metallic colors are good, but strong patterns are not. Please do not dress in all black or white

08:45 AM - 09:15 AM Administrator's Office FYI - Daily Meeting

09:15 AM - 09:30 AM EEOB Room 230 Walk to WH North Portico

09:30 AM - 10:00 AM WH North Portico Essence Group Photo Shoot
Staff Ct: Allyn Brooks-LaSure (OPA) 564-1540
Logistical Ct: Corey Ealons (WH) **Personal Privacy**

Staff: Allyn Brooks-LaSure or Adora Andy (OPA)

This photo shoot is scheduled to being at 9:30 AM

In case of inclement weather, the group photo will take place in EEOB Room 230

10:00 AM - 10:30 AM WH Depart for Alexandria, VA
Allyn Brooks-LaSure will travel with the Administrator

10:30 AM - 11:30 AM 909 North Washington Street, Suite 700
Alexandria, Virginia Personal Meeting
Ct: Peggy Cifrino, Principal Assistant
703-224-5012, mhc@afba.com

Peggy Cifrino will meet The Administrator at the elevators on the 7th floor and will and escort her to the meeting

11:30 AM - 12:00 PM Alexandria, VA Depart for The Oval Room

12:00 PM - 01:00 PM The Oval Room
800 Connecticut Avenue N.W. Lunch
Subj: Chris Lu

Ct: Ben Milakovsky Personal Privacy

Reservations for 2 under Daniel Gero

01:00 PM - 01:15 PM The Oval Room Depart for Ariel Rios

01:15 PM - 02:15 PM Bullet Room Senior Staff Meeting
FYI - Scott Fulton will begin the meeting at 1 PM

02:15 PM - 02:30 PM Administrator's Office Phone Interview
Subj: Scientific American Mind magazine Interview with Sunny Sea Gold (Health Editor for Glamour Magazine)

Ct: Betsaida Alcantara (OPA) 564-1692

Staff:
Betsaida Alcantara

Topic: Ways to reduce the air pollution you're exposed to (such as avoiding outdoor exercise on high-pollution days)

02:30 PM - 03:00 PM Administrator's Office Meeting with Paul Anastas
Ct: Paul Anastas paul.anastas@yale.edu

03:00 PM - 03:30 PM Administrator's Office Personnel
Subj: Alfredo "Al" Armendariz

Ct: Al Armendariz 214-768-1890

Mr. Armendariz will also meet with:

MaryGrace Galston 2:15 - 2:30

Scott Fulton - 2:30 - 3

Diane Thompson - 3 :30 - 4

03:30 PM - 03:45 PM Administrator's Office Pre-Brief to discuss TSCA
Ct: Georgia Bednar (OA) 564-9816

Staff:
Bob Sussman (OA)
Steve Owens (OPPTS)
Arvin Ganesan (OCIR)

03:45 PM - 04:00 PM Ariel Rios Depart for CEQ
Bob Sussman will travel with The Administrator

04:00 PM - 05:00 PM 730 Jackson Place Meeting to discuss TSCA
Ct: Kristin Avery 202-395-1123

Principals + 1 meeting:
Bob Sussman will attend with The Administrator

Attendees:
Nancy Sutley, CEQ
Cass Sunstein, OMB
Sally Ericcson, OMB

05:00 PM - 05:20 PM CEQ Depart for Ariel Rios
Bob Sussman will travel with The Administrator

05:30 PM - 06:30 PM Bullet Room Senior Policy Meeting
Ct: Dan Gerasimowicz 564-7314

Staff:
Diane Thompson, Bob Sussman (OA)
Seth Oster, Allyn Brooks-LaSure (OPA)
David McIntosh, Arvin Ganesan (OCIR)
Craig Hooks (OARM)
Cynthia Giles (OECA)
Lisa Heinzerling (OPEI)
Mathy Stanislaus (OSWER)
Michelle DePass (OIA)
Pete Silva (OW)
Steve Owens (OPPTS)

*** 07/31/2009 05:19:54 PM ***

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Fri 7/31/2009 11:37:39 PM
Subject: Breakdown in OMB Discussions on Lead R&R Rule

Lisa -- I recently reported that we were in a difficult negotiation with OMB over our proposed settlement of litigation challenging the lead renovation and repair rule issued by the previous Administration. We

Deliberative

Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Sun 8/2/2009 11:33:53 PM
Subject: Fw: Breakdown in OMB Discussions on Lead R&R Rule

Double-checking that you saw this. Will be engaging with OMB tomorrow am.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency
----- Forwarded by Bob Sussman/DC/USEPA/US on 08/02/2009 07:33 PM -----

From: Bob Sussman/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Diane Thompson/DC/USEPA/US@EPA
Date: 07/31/2009 07:37 PM
Subject: Breakdown in OMB Discussions on Lead R&R Rule

Lisa -- I recently reported that we were in a difficult negotiation with OMB over our proposed settlement of litigation challenging the lead renovation and repair rule issued by the previous Administration. We

Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Sun 8/2/2009 11:48:24 PM
Subject: Fw: IRIS
preuss.peter@epa.gov

Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency
----- Forwarded by Bob Sussman/DC/USEPA/US on 08/02/2009 07:45 PM -----

From: Peter Preuss/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Date: 08/02/2009 03:18 PM
Subject: Re: IRIS

Bob,
Thanks once again for the support.

Deliberative

Peter

Peter W. Preuss, PhD
Director
National Center for Environmental Assessment (8601P)
Office of Research and Development
U.S. EPA
703-347-8600
e-mail: preuss.peter@epa.gov

-----Bob Sussman/DC/USEPA/US wrote: -----

To: Peter Preuss/DC/USEPA/US@EPA, Kevin Teichman/DC/USEPA/US@EPA, Lek Kadeli/DC/USEPA/US@EPA
From: Bob Sussman/DC/USEPA/US
Date: 07/30/2009 08:34AM
Subject: IRIS

I informed Michael Fitzpatrick that, while EPA will provide red-lined IRIS drafts before the interagency science meeting, we would not provide a "final" assessment after the meeting for additional interagency review. I said this was a step not contemplated by the new IRIS process and that, if OMB wanted to elevate issues, the science meeting and redlined draft would provide a clear indication of any issues that remained unresolved.

Michael was not in agreement with my position but said that we would check back with others at OMB and let us know if he wanted to discuss the issue further.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

To: CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Mon 8/3/2009 4:43:43 PM
Subject: Anit-Lobbying Act
[ATT2Z6Q9](#)
[ATTKTTWV](#)
[\(embedded image\)](#)
[\(embedded image\)](#)

Hi Folks: Per our conversation, I am attaching the relevant guidance on the Anti-Lobbying Act.

The general thrust of the guidance is as follows:

EPA employees cannot use appropriated funds to engage in indirect or grassroots lobbying regarding any legislative proposal. Indirect or grassroots lobbying generally means urging members of special interest groups or the general public to contact legislators to support or oppose a legislative proposal. EPA employees cannot make explicit statements to the public to contact members of Congress in support of or in opposition to a legislative proposal. Other prohibited grassroots lobbying includes an employee's explicit request, while on official time, to an outside group asking it to contact Congress to support or oppose EPA's appropriations bill.

In addition, EPA is prohibited from using appropriated funds for activities that would "tend to promote" the public to contact Congress in support of or in opposition to a legislative proposal, even if an EPA employee does not expressly state that the public should contact Congress. This activity is considered "indirect lobbying" and is prohibited. Agency personnel may, after coordinating with OCIR, directly contact or lobby members of Congress and their staffs regarding the Administration's legislative proposals. Again, after getting approval from OCIR, they may also educate and inform the public of the Administration's position on legislative proposals by delivering speeches and making public remarks explaining the Administration's position on a legislative proposal.

Let me know if you have questions, or contact Justina Fugh.

Scott



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL - 9 1997

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Appropriation Act Lobbying Restriction

FROM: Jonathan Z. Cannon
General Counsel

A handwritten signature in dark ink, appearing to read "Jonathan Z. Cannon", written over the printed name.

TO: Associate General Counsels
Regional Counsels
Deputy Ethics Officials (DEOs)

In my memorandum dated February 23, 1996 (copy attached), we provided guidance to you with respect to the Anti-Lobbying Act (ALA), 18 U.S.C. § 1913, and the Agency's policy on "grass roots" lobbying. Since then, a government-wide lobbying restriction was included in the Treasury, Postal Service, and General Government Appropriations Act for 1997. It provides:

No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

Pub. L. 104-208, § 631, 110 Stat. 3009 (1996). Like the ALA, appropriation act restrictions similar to this one have been interpreted to prohibit the Agency from engaging in indirect or "grass-roots" lobbying, defined as explicitly appealing to members of the public to contact Members of Congress to indicate their support of or opposition to legislation.

There are some significant apparent differences to be aware of in the scope of the two anti-lobbying provisions. On its face, the appropriation act restriction appears to apply to *any* expenditure of appropriated funds on grass roots lobbying, but only as it relates to legislation *pending* before Congress. The ALA, on the other hand, has been interpreted by the Department of Justice as prohibiting the expenditure of appropriated funds on a *substantial* grass roots lobbying campaign relating to legislation both *before* and *after* it is introduced. Moreover, the appropriation act restriction, as interpreted by



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the General Accounting Office, does not provide exceptions for communications by Presidentially appointed Senate-confirmed personnel or for public speeches and writings by Agency personnel.

Although the appropriation act restriction may be broader in scope in some respects than the ALA, adherence to the across-the-board, prudential policy established in my February 23 memorandum should ensure compliance with both the ALA and the appropriation act restriction. Under that policy, personnel are free to educate and inform public opinion regarding legislation, both pending and anticipated, but should not expressly ask or suggest that members of the public contact the Congress to express their concerns.

If you have additional questions regarding the ALA, the appropriation act restriction, or would like to consult with OGC regarding a particular situation, please contact the Principal Deputy General Counsel, Scott Fulton (260-8064), or Leslie Darman (260-4930).

Attachment

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US
Sent: Mon 8/3/2009 8:00:29 PM
Subject: Fw: ACC to Release TSCA Principles
[10 Principles of TSCA Modernization.pdf](#)
[TSCA Principles Press Release.pdf](#)

This is what I was referring to when I said that ACC will soon release principles. See below, but note that:

Consideration of the benefits of chemicals being evaluated, the cost of methods to control their risks, and the benefits and costs of alternatives should be part of EPA's risk management decision-making, but should not be part of its safe use determinations.

ARVIN R. GANESAN
Deputy Associate Administrator
Congressional Affairs
Office of the Administrator
United States Environmental Protection Agency
Ganesan.Arvin@epa.gov
(p) 202.564.5200
(f) 202.501.1519

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 08/03/2009 03:59 PM -----

From: "Buffa, Nicole" <[REDACTED] Personal Privacy>
To: "Sutley, Nancy H." <[REDACTED] Personal Privacy> Bob Sussman/DC/USEPA/US@EPA,
"Sunstein, Cass R." <[REDACTED] Personal Privacy> Ericsson, Sally C." <[REDACTED] Personal Privacy>
"Fitzpatrick, Michael A." <[REDACTED] Personal Privacy>
Arvin Ganesan/DC/USEPA/US@EPA, "Mancini, Dominic J." <[REDACTED] Personal Privacy>
Date: 08/03/2009 03:58 PM
Subject: FW: ACC to Release TSCA Principles

FYI only. I randomly received the email below from ACC a few minutes ago. For those on your berries, these two bullets relate specifically to EPA's principle one:

- Safe use determinations should integrate hazard, use, and exposure information, and incorporate appropriate safety factors .
- Consideration of the benefits of chemicals being evaluated, the cost of methods to control their risks, and the benefits and costs of alternatives should be part of EPA's risk management decision-making, but should not be part of its safe use determinations.

From: Dooley, Cal [mailto:Cal_Dooley@americanchemistry.com]
Sent: Monday, August 03, 2009 3:32 PM
To: Buffa, Nicole
Subject: ACC to Release TSCA Principles

Dear Ms. Buffa:

It was a pleasure to see you recently at EPA to discuss ACC's views on approaches to TSCA modernization. I want to make you aware that tomorrow morning ACC will publicly release a set of principles for

modernizing the Toxic Substances Control Act. I've attached a copy of the principles for your information. I've also attached a press statement we will release at the same time.

ACC is taking this action in an effort to further inform the discussion around TSCA. You will see that these principles are consistent with our earlier discussions. We believe that they are a sound basis for further discussions with the Congress and other stakeholders, and we hope the Administration and Congress find them helpful. We look forward to working with you as proposals on TSCA are considered. If we can provide any additional information on the ACC principles, please let me know.

Regards,

Cal

Cal Dooley
President & CEO
American Chemistry Council
703.741.5100

To: "Richard Windsor" [Windsor.Richard@epamail.epa.gov]
Cc: "Eric Wachter" [wachter.eric@epa.gov]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Mon 8/3/2009 8:33:09 PM
Subject: Fw: CARS letter to Senate
CARS letter --LaHood Chu Jackson 8-3-09 DRAFT 130 pm2.doc

Lisa,

Attached is a letter that the WH wants u, lahood and chu to sign on the need to appropriate more \$\$ to the cash for clunkers program. It is really all dot, but I see nthing objectionable. DOE is jsut waiting to hear u r ok w/ it. Eric is coordinating this for me.

From: [joan.deboer@dot.gov]
Sent: 08/03/2009 01:53 PM AST
To: <rod.oconnor@hq.deo.gov>; Lisa Heinzerling; Diane Thompson
Subject: CARS letter to Senate

Rod and Diane,

Attached is the draft of the joint letter to every member of the Senate on the CARS program. Please review and let me know your comments or changes. Per the WH COS we are trying to get this letter out ASAP. Thank you.

Joan

HOW TO REVIEW POLITICAL INVITATIONS IN ACCORDANCE WITH THE HATCH ACT

The Hatch Act, 5 USC " 7321-7326, regulates the political activities of federal employees in the Executive Branch of the Federal government. A Political activity@ is defined as an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group. Under the Hatch Act, most employees cannot participate in partisan political activity while on government time and in government facilities. However, this rule is different for PAS employees. This guidance will help you to know what the PAS employees can B and cannot B do.

Who is a PAS employee?

EPA has 14 PAS employees, who are **Presidential Appointees** confirmed by the Senate. They are the Administrator, the Deputy Administrator, the General Counsel, the Inspector General, the Chief Financial Officer, and the nine Assistant Administrators.

What are all employees prohibited from doing under the Hatch Act?

There are several things that no employee, including PASers, should do:

- (1) Don=t use your official authority or influence to interfere with or affect an election. Don=t use your official title while participating in political activity and don=t use your authority to coerce anyone to participate in political activity. Importantly, you can=t solicit, accept or receive uncompensated volunteer services from any subordinate for any political purpose;
- (2) Don=t fundraise, even in your private capacity. You can=t even let your name be used as the host of fundraiser. You can=t solicit political contributions in a speech or address at a fundraiser, and you can=t let your official title be used in connection with a fundraiser. You also can=t solicit, accept or receive volunteer services from an EPA subordinate;
- (3) Don=t run for partisan public office (without first talking to your ethics official and telling us where you live. There are a few exceptions for certain localities); and
- (4) Don=t solicit or discourage political activity from any person who is doing business with the Agency. This includes any person who has an application for any compensation grant, contract, ruling, license, permit, or certificate pending in your office. It also includes any person who is the subject of an investigation, audit or enforcement action in your office. For PAS employees, this description can include a lot of people!

How are PASers special under the Hatch Act?

Unlike most employees, EPA=s fourteen PASers can participate in political activity while on duty, on government premises, in a government vehicle, and while wearing the EPA badge. But only they can do so. The rest of the EPA employees, including Schedule Cs and non-career SESers cannot.

The ASecret Service@ exception

In limited cases, the Hatch Act nevertheless allows staff to assist the PAS consistent with their official duty. For example, a security detail may accompany the Administrator, even to a political event, so long as he is providing security and not himself participating in the political activity. Similarly, an administrative assistant may prepare the travel and itinerary associated with a political trip even if the Administrator is engaged in political activity or a mix of official and political activity.

But this exception should not be broadened to include speech writing or any Aextra@ voluntary service!

What happens if an EPA PAS is invited to a political event?

1) The Scheduling Staff for the PAS should **examine the invitation** to determine who issued the invitation to the PAS employee and whether it is indeed for a political event.

| Clues: is the invitation from a campaign committee to elect someone? Is the event called a Arally@ or a Afundraiser@ or does it use words like Aget out the vote?@

2) The Scheduling Staff should **send a copy of the invitation to OGC-Ethics** for review and confirmation as to whether it is indeed a political event.

3) If the event is political, then the Scheduling Staff must do the following:

\$ send the requestor the EPA=s Aground rules@ about political events

\$ ask questions about the event:

| who is the host of the event?

| are there any co-sponsors?

| where will the event be held?

| who are the anticipated invitees to the event?

| how many people are expected to attend?

| what is the anticipated role of the EPA PAS at the event?

\$ identify a contact person on the Scheduling Staff to work with OGC

\$ identify a contact person on the requestor=s staff to talk to OGC

\$ do not confirm attendance until the event is cleared, in writing (by email), by OGC

NOTE: An employee with Agency-wide responsibility may address a large, diverse group to seek support for a partisan political candidate so long as the group has not been specifically targeted as having matters before the employing office. 5 CFR 734.305.

| An example of a permitted activity: the Administrator may speak on behalf of a partisan candidate at a forum sponsored by the League of Women Voters that is expected to have more than 100 people attend. However, he cannot use his official title and cannot solicit funds for the candidate in his speech. He also should not say that the candidate is endorsed by the US EPA.

| An example of a prohibited activity: the Administrator will not be permitted to speak at an event that is sponsored by an environmental law firm for its clients to be held in the law firm=s offices.

| OGC will examine closely where the event is to be held and the sponsors and hosts. Scrutiny will be applied to certain entities, including lobbying organizations, law firms, for-profit and not-for-profit entities that have an environmental focus, and trade associations.

4) If the event is cleared, then the Scheduling Staff can confirm attendance, subject to the EPA=s ground rules. The Scheduling Staff should now:

- \$ obtain a list of all of the invitees and send that list to OGC
- \$ obtain copies of all of the invitations and send to OGC for review of the format
- \$ talk to the PAS travel coordinator and OGC about payment for any political travel
- \$ reaffirm to the PAS that s/he cannot accept any volunteer services, including speeches
- \$ provide the PAS with the EPA=s ground rules as part of her/his briefing package



UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY
WASHINGTON D.C., 20460

GROUND RULES FOR PARTICIPATION IN A POLITICAL EVENT

Your campaign has invited a Presidentially-Appointed and Senate-confirmed appointee of the U.S. Environmental Protection Agency to speak at your political event. The Hatch Act, 5 U.S.C. §§ 7321-7326, sets forth certain restrictions that this employee must follow: s/he cannot use her/his official authority to further political activity, cannot fundraise, and cannot solicit or discourage the political participation of anyone who has business pending before the Agency.

We ask that you review our ground rules carefully and ensure that they are followed. Failure to follow these rules may result in withdrawal of any approval to allow our employee to speak at your event.

- ❖ You will provide EPA with a copy of the invitation to the event and inform us how you intend to disseminate the invitation (e.g., by regular mail, email, fax, etc.)
- ❖ Once EPA agrees to the final version of the invitation, you cannot make any subsequent changes to the invitation's text or format nor change the title of the electronic file.
- ❖ If EPA agrees to provide a speaker, you will provide a list of all invitees to EPA and their contact information at least 48 hours in advance of the event.
- ❖ When you issue your invitations, you will include this statement as part of the distribution:

PLEASE NOTE: The federal Hatch Act prohibits this speaker from soliciting or discouraging the political participation of any person who has an application for any compensation grant, contract, ruling, license, permit, or certificate pending before US EPA. If you or your company has any business pending before any part of EPA, we ask that you not attend this event.

August 3, 2009

Dear Senator:

Deliberative

Deliberative

Sincerely,

Dr. Steven Chu
Secretary
U.S. Department of Energy

Lisa P. Jackson
Administrator
U.S. Environmental
Protection Agency

Ray LaHood
Secretary
U.S. Department of
Transportation

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Mon 8/3/2009 11:06:23 PM
Subject: variance policy

Hi Lisa --

I meant to write to you about this earlier, but the days have been passing in a blur.



Deliberative

I hope you don't mind my writing to you about this.

Best,
Lisa



Contact: Tiffany Harrington, 703-741-5583,
tiffany_harrington@americanchemistry.com

ACC Releases Roadmap to Next Generation Of Chemical Safety
Chemical Legislation Must Focus on Consumer Safety, Jobs

ARLINGTON, VA (August 4, 2009) – The American Chemistry Council (ACC) today released its specific guidelines for the modernization of our nation's chemical safety laws.

"The chemical industry is committed to the safety of our products. Any effort to modernize our nation's chemical management system must start with consumer safety as its highest priority. Current law is more than 30-years old and the law must be updated to keep pace with science," said Cal Dooley, president and CEO of ACC. Dooley hosted a press briefing in Washington, DC today where the Council proposed 10 principles for effective chemicals management. He was joined at the event by ACC member company CEOs and partner associations.

"These 10 principles provide a roadmap needed to build a more effective chemical management system that ensures consumer safety while preserving America's role as the world's leading innovator and creator of safe and environmentally sound technologies and products. We look forward and are committed to working with Congress, the Administration and all stakeholders toward enactment of effective legislation," Dooley said.

Dooley was joined at the press briefing by Mark Rohr, President and CEO of Albermarle Corporation; Dave Kepler, Executive Vice President of Dow; Tom Shepherd, Chairman and CEO of The Shepherd Chemical Company; Chris Cathcart, President and CEO of the Consumer Specialty Products Association (CSPA), and Ernie Rosenberg, President and CEO of the Soap and Detergent Association.

"Modernizing the federal chemical management system properly will also help assure that the business of chemistry continues to serve as a critical American asset. A strong law is crucial to consumer safety, but so is industry innovation," Rohr said. He pointed out that the industry provides products that meet the needs of our society, supporting more than 850,000 American jobs and contributing nearly \$700 billion to the American economy."

-more-

ACC NEWS RELEASE
AUGUST 4, 2009

"Some might be surprised that we in the industry are supporting enhanced regulation. They shouldn't be. We have invested hundreds of millions of dollars annually in testing and research and support a robust chemicals management system. High priority chemicals should be tested and evaluated under generally accepted scientific principles and the effort should be overseen by an Environmental Protection Agency that is provided adequate resources to do its job. It will give the public confidence in what we do," said Kepler.

Shepherd, also Chairman of ACC's Small Business Council added, "America's prosperity is rooted in healthy businesses that create jobs and improve people's lives. A modern federal statute that enables government and industry to work together on safety means we all succeed."

Highlights of the principles include:

- Chemicals should be safe for their intended use.
- EPA should prioritize chemicals for safe use determinations to focus on chemicals of highest concern.
- The chemical industry should continue to provide robust information in a transparent manner on chemicals it produces.
- Potential risks faced by children should be an important factor in safe use determinations.
- Companies and EPA should work together to enhance public access to chemical health and safety information.
- EPA should rely on scientifically valid data and information, and should have the resources it needs to ensure the safety of chemicals.
- A modernized TSCA should encourage technological innovation.

For the full list of chemical management principles, please visit www.americanchemistry.com/tsca.

About the American Chemistry Council (ACC)

The American Chemistry Council represents leading companies that make the products enabling modern life and quests to protect the environment, public health, and the security of our nation. Founded in 1872, the ACC supports research and initiatives that serve communities and customers. Each member company has committed to implementing a set of goals and guidelines that go above and beyond federal regulation on health, safety, security and the environment. Since the adoption of Responsible Care® in 1988, the ACC has reduced environmental emissions by more than 73 percent and has achieved a safety record more than four times safer than the average for manufacturing.

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Tue 8/4/2009 12:29:37 PM
Subject: Fw: Kensington comment letter
Comment Letter to Corps re extension FINAL 8-3-09.pdf
www.earthjustice.org

Enviro comment letter -- explains why past tailings is better environmentally but only takes aim at Regas memo and calls for change in EPA policy

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency
----- Forwarded by Bob Sussman/DC/USEPA/US on 08/04/2009 08:28 AM -----

From: Gregory Peck/DC/USEPA/US
To: "Bob Sussman" <Sussman.Bob@epamail.epa.gov>
Date: 08/03/2009 09:35 PM
Subject: Fw: Kensington comment letter

FYI

Gregory E. Peck
Chief of Staff
Office of Water
U.S. E.P.A.

From: "Joan Mulhern" [jmulhern@earthjustice.org]
Sent: 08/04/2009 01:20 AM GMT
To: Gregory Peck
Subject: Fw: Kensington comment letter

From: Tom Waldo
Date: Mon, 3 Aug 2009 17:58:36 -0700
To: Joan Mulhern<jmulhern@earthjustice.org>
Subject: Kensington comment letter

Tom Waldo
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To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US
Sent: Tue 8/4/2009 2:24:34 AM
Subject: Re: ACC to Release TSCA Principles

He did send on directly. Ill be sure to thank him.

Sent from my Blackberry Wireless Device

----- Original Message -----

From: Richard Windsor
Sent: 08/03/2009 10:19 PM EDT
To: Arvin Ganesan; Bob Sussman
Subject: Re: ACC to Release TSCA Principles

All went well. Tx. Did you or Bob get these principles directly as well? If not, you might consider letting Cal know that you would have appreciated the courtesy of a heads up as well. Lj

----- Original Message -----

From: Arvin Ganesan
Sent: 08/03/2009 04:00 PM EDT
To: Richard Windsor; Bob Sussman
Subject: Fw: ACC to Release TSCA Principles

This is what I was referring to when I said that ACC will soon release principles. See below, but note that:

Consideration of the benefits of chemicals being evaluated, the cost of methods to control their risks, and the benefits and costs of alternatives should be part of EPA's risk management decision-making, but should not be part of its safe use determinations.

ARVIN R. GANESAN
Deputy Associate Administrator
Congressional Affairs
Office of the Administrator
United States Environmental Protection Agency
Ganesan.Arvin@epa.gov
(p) 202.564.5200
(f) 202.501.1519

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 08/03/2009 03:59 PM -----

From: "Buffa, Nicole" [Personal Privacy]
To: "Sutley, Nancy H." [Personal Privacy], Bob Sussman/DC/USEPA/US@EPA,
"Sunstein, Cass R." [Personal Privacy], "Ericsson, Sally C." [Personal Privacy],
"Fitzpatrick, Michael A." [Personal Privacy],
Arvin Ganesan/DC/USEPA/US@EPA, "Mancini, Dominic J." [Personal Privacy]
Date: 08/03/2009 03:58 PM
Subject: FW: ACC to Release TSCA Principles

FYI only. I randomly received the email below from ACC a few minutes ago. For those on your berries,

these two bullets relate specifically to EPA's principle one:

- Safe use determinations should integrate hazard, use, and exposure information, and incorporate appropriate safety factors .
- Consideration of the benefits of chemicals being evaluated, the cost of methods to control their risks, and the benefits and costs of alternatives should be part of EPA's risk management decision-making, but should not be part of its safe use determinations.

From: Dooley, Cal [mailto:Cal_Dooley@americanchemistry.com]

Sent: Monday, August 03, 2009 3:32 PM

To: Buffa, Nicole

Subject: ACC to Release TSCA Principles

Dear Ms. Buffa:

It was a pleasure to see you recently at EPA to discuss ACC's views on approaches to TSCA modernization. I want to make you aware that tomorrow morning ACC will publicly release a set of principles for modernizing the Toxic Substances Control Act. I've attached a copy of the principles for your information. I've also attached a press statement we will release at the same time.

ACC is taking this action in an effort to further inform the discussion around TSCA. You will see that these principles are consistent with our earlier discussions. We believe that they are a sound basis for further discussions with the Congress and other stakeholders, and we hope the Administration and Congress find them helpful. We look forward to working with you as proposals on TSCA are considered. If we can provide any additional information on the ACC principles, please let me know.

Regards,

Cal

Cal Dooley
President & CEO
American Chemistry Council
703.741.5100

[attachment "10 Principles of TSCA Modernization.pdf" deleted by Richard Windsor/DC/USEPA/US]

[attachment "TSCA Principles Press Release.pdf" deleted by Richard Windsor/DC/USEPA/US]



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 23 1996

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Anti-Lobbying Act Guidance

FROM: Jonathan Z. Cannon *Jonathan Z. Cannon*
General Counsel

TO: Associate General Counsels
Regional Counsels
Deputy Ethics Officials (DEOs)

As part of our ongoing effort to provide informed and up to date advice regarding recurring legal questions, and, in order to ensure continued compliance with the Anti-Lobbying Act (ALA), we are providing you with the attached ALA Guidance. The guidance was developed in consultation with the Office of Legal Counsel (OLC) at the Department of Justice, and should be of assistance in counseling the Agency on issues that may arise under the ALA. This guidance, which supersedes prior OGC guidance on this subject, should be read in conjunction with OLC's April 17, 1995 memorandum on this subject, which is also attached.

If you have additional questions regarding the Anti-Lobbying Act, or would like to consult with OGC regarding a particular situation, please contact Deputy General Counsel Scott C. Fulton (260-8064), or ALA advisors Steve Wolfson (260-5985) and George Wyeth (260-7726).

Attachments

ANTI-LOBBYING ACT GUIDANCE

As interpreted by the Office of Legal Counsel at the Department of Justice (OLC), the Anti-Lobbying Act (ALA) prohibits agency activity which has each of the following attributes:

- o the activity is in the nature of a substantial grass roots campaign
- o which expressly calls upon citizens to contact members of Congress
- o in support of or in opposition to legislation.

The OLC guidance makes it clear that EPA personnel may themselves advance Administration positions with Members of Congress and their staffs. The OLC suggests that the law does not reach "insubstantial" indirect lobbying (*i.e.*, encouraging outside entities to engage the Congress in support of or in opposition to legislation) but does not identify any precise line marking where lobbying becomes "substantial." The OLC guidance also recognizes exceptions under the law for communications by Senate-confirmed personnel and public speeches and writings by Agency personnel.

Although, as the foregoing suggests, the OLC Guidance identifies a number of exceptions to the rule against expressly requesting others to lobby the Congress, EPA has, in the interest of avoiding any appearance of violating the Anti-Lobbying Act, established an across-the-board, prudential policy against express requests of this kind. In keeping with this policy, Agency personnel are free to educate and inform public opinion regarding pending legislation, but should not expressly ask or suggest that members of the public contact the Congress to express their concerns.

Beyond this general policy statement, and, recognizing that ALA questions continue to come up in a variety of settings, a number of hypothetical scenarios are set forth below that should provide further guidance regarding how to approach these kinds of issues. The hypotheticals are not intended to address all possible scenarios which may raise ALA issues; employees are thus encouraged to contact OGC when questions arise. For the prudential reasons stated above, this guidance is purposefully more restrictive in some areas than OLC's interpretation of the requirements of the ALA.

These scenarios all assume, as a basic fact pattern, that legislation has been introduced that may have a significant impact on EPA's delivery of environmental and public health protection.

Scenario 1: EPA officials speak about the Administration's views regarding the legislation at an annual meeting of state officials.

There is interest in distributing the written version of the speech to interested stakeholders.

Guidance: Generally, distribution of the text of speeches by senior Agency officials is an appropriate means of informing the public regarding the Administration's views. The ALA may, however, in some unusual circumstances limit dissemination of such material. As noted above, a speech given in a public forum (*i.e.*, generally any event with respect to which the press would not be excluded), is not, pursuant to the OLC guidance, constrained by the ALA. Thus, even if it were to call on listeners to contact Congress, it would not be a violation. (Nonetheless, as discussed above, EPA's policy is to avoid making such requests in order to minimize appearance concerns.) However, in the event that a speech, contrary to Agency policy, does expressly request the public to contact the Congress, the text of the speech should not be part of an information distribution effort, as the public speech exception may not extend to transcriptions of a speech which are then distributed by a different medium to a different audience.

Scenario 2: In the interests of educating the public and informing public opinion regarding its views of the legislation, EPA wants to send out fact sheets to a range of interested stakeholders that assess the anticipated impacts of the legislation.

Guidance: Nothing in the Anti-Lobbying Act prevents the Agency from developing and transmitting materials that are designed to inform the public. This is particularly true where the agency has received a number of requests for its views or where, based on past dealings with interested stakeholders, anticipates such interest, and thus sees a broader distribution as an efficient means of providing the information. To avoid potential appearances issues, it may be prudent to ensure that distributions are limited in scale (*i.e.*, to avoid the impression of a grass-roots campaign). Additionally, prudence counsels in favor of distributing material to a balanced range of interests; the Agency should avoid distributions that are directed exclusively at groups which are known to be both supportive of the Agency's position and to engage in lobbying activity.

Scenario 3: An environmental group which engages in lobbying requests information from the Agency regarding the impacts of the legislation.

Guidance: The Agency is free to provide material which has already been prepared for other purposes in response to such requests, but should avoid preparing new material based solely upon such a request, particularly where we have reason to believe that the material will be used for lobbying purposes. However, if the request is indicative of a broader demand for such material, it may then be appropriate to develop such materials and share them with a wider audience (see number 2, above). Such materials, however,

should avoid suggesting that citizens contact Congress regarding their concerns.

Scenario 4: An employee union wants to use the Agency electronic mail system or other agency facilities to encourage other employees to lobby the Congress regarding proposed legislation.

Guidance: Nothing in the Anti-Lobbying Act limits the free speech rights of Agency employees to engage, in their individual capacities, their elected representatives regarding issues of concern to them. Nonetheless, because such activity can fall within the ambit of grass roots lobbying and because such an activity is not official government business, EPA should avoid supporting or facilitating such activity, consistent with applicable rules governing the use of EPA property and resources. Employees should not use Agency time or agency funded communications vehicles and facilities to transact this kind of activity.

Scenario 5: The Agency either initiates or is requested by external groups to convene a meeting to discuss the legislation. The Agency wants both to discuss the Agency views of the legislation and, as necessary, to persuade others already engaged in the legislative process of the merits of the Agency's position.

Guidance: The Agency may meet with such entities to discuss its view of the legislation; indeed, such an exchange can help shape the Agency's position. Additionally, in such settings, the Agency may attempt to influence the views of other entities who are actively involved in the legislative arena. While the Agency can comfortably discuss the substance of the legislation, the Agency should avoid discussing with external groups strategies for approaching the Congress regarding issues of shared concern.

Scenario 6: The Agency wants to meet with a number of state associations and individual state and local environmental officials to discuss the legislation.

Guidance: The fact that state and local governments are our implementation partners does not necessarily mean that they cannot be grass roots entities within the meaning of the Anti-Lobbying Act. Accordingly, such communications should be handled with the same sensitivity as communications with NGOs and others (see number 5, above).

Scenario 7: A Region's continued work on a Superfund site that has been the subject of community outreach and involvement is implicated by the legislation. The Region wants to inform the community of the anticipated impacts of the pending legislation on the clean-up.

Guidance: In keeping with its policy of reaching out to communities concerning Superfund clean-ups, and in the interest of not withholding information of importance to the community, the Region may share with citizens projected site-specific impacts of pending legislation. Communications of this type should, however, avoid suggesting that citizens contact the Congress to express their views.

Scenario 8: An Agency Advisory Committee is meeting in Washington, D.C.; the Agency is paying travel expenses for some of the participants. The legislation is discussed at the meeting, and several members of the Advisory Committee state their intent to raise concerns with members of Congress while they are in Washington.

Guidance: The Agency should discuss ALA considerations with the members; attempt, at a minimum, to ensure that no such activity occurs during the hours scheduled for meeting; and express a strong preference that those members who are in Washington at EPA expense not engage in lobbying activity regarding the legislation. If the Agency becomes aware before such a meeting that committee members plan to engage in lobbying activity while in Washington, the Agency should consider postponing the meeting or declining to pay travel expenses.



U. S. Department of Justice

Office of Legal Counsel

Office of the
Assistant Attorney General

Washington, D.C. 20530

April 17, 1995

MEMORANDUM FOR GENERAL COUNSELS

FROM: Walter Dellinger *WJD*
Assistant Attorney General,
Office of Legal Counsel

SUBJECT: Anti-Lobbying Act Guidelines

The attached OLC guidelines are based on a 1989 opinion of the Office, issued by then Assistant Attorney General William P. Barr, and on long-standing Criminal Division practice. The guidelines explain that the Anti-Lobbying Act, 18 U.S.C. § 1913, does not prohibit officials from supporting an Administration's legislative program through direct communications with Congress; through communications with the public in speeches, writings, and appearances; or through most forms of private communications to members of the public. The Act, however, does bar high-expenditure campaigns in which members of the public are expressly urged to write their Senators or Representatives.



U.S. Department of Justice
Office of Legal Counsel

Washington, D.C. 20530

April 14, 1995

GUIDELINES ON 18 U.S.C. § 1913

The Anti-Lobbying Act, 18 U.S.C. § 1913, prohibits officers and employees of the executive branch from engaging in certain forms of lobbying. If applied according to its literal terms, section 1913 would have extraordinary breadth, and it has long been recognized that the statute, if so applied, might be unconstitutional. The Office of Legal Counsel has interpreted the statute in light of its underlying purpose "to restrict the use of appropriated funds for large-scale, high-expenditure campaigns specifically urging private recipients to contact Members of Congress about pending legislative matters on behalf of an Administration position." Memorandum for Dick Thornburgh, Attorney General, from William P. Barr, Assistant Attorney General, Office of Legal Counsel, "Constraints Imposed by 18 U.S.C. § 1913 on Lobbying Efforts," 13 Op. O.L.C. 361, 365 (1989) (prelim. print) (citation and footnote omitted) ("1989 Barr Opinion"). Although there has never been a criminal prosecution under the Act since its adoption in 1919, the Criminal Division and its Public Integrity Section have frequently construed the Act in the context of particular referrals. The principles that the Criminal Division has developed over time provide guidance to the meaning of the statute that is necessary in order for the Act to provide reasonably ascertainable guidance to those to whom it applies.

Section A below describes officials whose lobbying activities are not inhibited by the Anti-Lobbying Act. Section B describes the kind of lobbying permitted under the Act. Section C describes the kind of lobbying prohibited by the Act. Section D describes a further restriction that agencies may wish to observe, although they are not required to do so under the Act. Section E describes additional prohibitions imposed by typical "publicity or propaganda" riders, as interpreted by the Comptroller General, although identifying the precise restrictions, if any, applicable to any particular agency requires an examination of that agency's appropriations act.

A. The Department of Justice consistently has construed the Anti-Lobbying Act as not limiting the lobbying activities personally undertaken by the President, his aides and assistants within the Executive Office of the President, the Vice President, cabinet members within their areas of responsibility, and other Senate-confirmed officials appointed by the President within their areas of responsibility.

B. Under the Anti-Lobbying Act, government employees MAY:

- communicate directly with Members of Congress and their staffs in support of Administration or department positions. The Act does not apply to such direct communications.
- communicate with the public through public speeches, appearances and published writings to support Administration positions -- including using such public fora to call on the public to contact Members of Congress in support of or opposition to legislation.
- communicate privately with members of the public to inform them of Administration positions and to promote those positions -- but only to the extent that such communications do not contravene the limitations listed in Section C below.
- lobby Congress or the public (without any restriction imposed by the Anti-Lobbying Act) to support Administration positions on nominations, treaties, or any non-legislative, non-appropriations issue. The Act applies only to lobbying with respect to legislation or appropriations.

C. Under the Anti-Lobbying Act, government employees MAY NOT:

- engage in substantial "grass roots" lobbying campaigns of telegrams, letters, and other private forms of communication expressly asking recipients to contact Members of Congress, in support of or opposition to legislation. Grass roots lobbying does not include communication with the public through public speeches, appearances, or writings. Although the 1989 Barr Opinion does not define the meaning of "substantial" grass roots campaigns, the opinion notes that the 1919 legislative history cites an expenditure of \$7500 -- roughly equivalent to \$50,000 in 1989 -- for a campaign of letter-writing urging recipients to contact Congress.

D. Although not required by the Anti-Lobbying Act, agencies may wish to observe a more general restriction with respect to officials other than those listed in Section A:

- against expressly urging citizens to contact Congress in support of or opposition to legislation. As Sections B and C taken together indicate, the Anti-Lobbying Act does not forbid

government employees from urging citizens to contact Members of Congress on behalf of an Administration position, except in the context of a grass roots campaign. Nevertheless, the Comptroller General, following his understanding of the Department of Justice's historical interpretation of the Act before the 1989 Barr Opinion, has construed the restriction as being triggered by explicit requests for citizens to contact their representatives in support of or opposition to legislation. Given the Comptroller General's interpretation, and given the difficulty of predicting what may be perceived as a grass roots campaign in a particular context, agencies may wish to err on the side of caution, by refraining from including in their communications with private citizens any requests to contact Members of Congress in support of or opposition to legislation.

E. The Office of Legal Counsel's published opinions do not set out a detailed, independent analysis of "publicity or propaganda" riders contained in the appropriations acts of some agencies. The Comptroller General has suggested that, under such riders, government employees also MAY NOT (1) provide administrative support for the lobbying activities of private organizations, (2) prepare editorials or other communications that will be disseminated without an accurate disclosure of the government's role in their origin, and (3) appeal to members of the public to contact their elected representatives in support of or opposition to proposals before Congress.

10 Principles for Modernizing TSCA

The American Chemistry Council and its members support Congress' effort to modernize our nation's chemical management system. Such a system should place protecting the public health as its highest priority, and should include strict government oversight. It should also preserve America's role as the world's leading innovator and employer in the creation of safe and environmentally sound technologies and products of the business of chemistry.

The current chemical management law, the Toxic Substances Control Act (TSCA), is more than 30 years old. It should be modernized to keep pace with advances in science and technology. Moreover, the law must provide the Environmental Protection Agency with the resources and the authority to do its job effectively.

We have previously offered general concepts on which to base a modern chemical management system. This document expands upon those concepts and begins to provide more detail, which we hope will be useful to policy makers. We will continue to refine the details of our principles for modernizing TSCA and are committed to working with all stakeholders toward enactment of effective legislation.

1. Chemicals should be safe for their intended use.
 - Ensuring chemical safety is a shared responsibility of industry and EPA.
 - Industry should have the responsibility for providing sufficient information for EPA to make timely decisions about safety.
 - EPA should have the responsibility for making safe use determinations for high priority chemicals, focusing on their most significant uses and exposures.
 - Safe use determinations should integrate hazard, use, and exposure information, and incorporate appropriate safety factors.
 - Consideration of the benefits of chemicals being evaluated, the cost of methods to control their risks, and the benefits and costs of alternatives should be part of EPA's risk management decision-making, but should not be part of its safe use determinations.
 - Other agencies, such as FDA and CPSC, should continue to make safety decisions for products within their own jurisdictions.
2. EPA should systematically prioritize chemicals for purposes of safe use determinations.
 - Government and industry resources should be focused on chemicals of highest concern.
 - The priorities should reflect considerations such as the volume of a chemical in commerce; its uses, including whether it is formulated in products for children; its detection in biomonitoring programs; its persistent or bioaccumulative properties; and the adequacy of available information.

3. EPA should act expeditiously and efficiently in making safe use determinations.
 - Since a chemical may have a variety of uses, resulting in different exposure potentials, EPA should consider the various uses and focus on those resulting in the most significant exposures.
 - EPA should complete safe use determinations within set timeframes.
4. Companies that manufacture, import, process, distribute, or use chemicals should be required to provide EPA with relevant information to the extent necessary for EPA to make safe use determinations.
 - Companies throughout the chain of commerce should be responsible for providing necessary hazard, use, and exposure information.
 - EPA should be authorized to require companies, as appropriate, to generate relevant new data and information to the extent reasonably necessary to make safe use determinations without having to prove risk as a prerequisite or engaging in protracted rulemaking.
 - Testing of chemicals should progress to more complex and expensive tests through a tiered approach as needed to identify hazards and exposures of specific concern.
 - To minimize animal testing, existing data should be considered prior to new testing, and validated alternatives to animal testing should be used wherever feasible.
 - Existing data and information should be leveraged in EPA's safe use determinations, including data and information from other mandatory and voluntary programs such as REACH and the U.S. High Production Volume challenge.
5. Potential risks faced by children should be an important factor in safe use determinations.
 - Safe use determinations should consider the effects of a chemical on children and their exposure to the chemical.
 - Safe use determinations should consider whether an extra margin of safety is needed to protect children.
6. EPA should be empowered to impose a range of controls to ensure that chemicals are safe for their intended use.
 - The controls could range from actions such as labeling, handling instructions, exposure limits and engineering controls to use restrictions and product bans.
 - The controls should be appropriate for managing the risk, taking into account alternatives, benefits, costs, and uncertainty.

7. Companies and EPA should work together to enhance public access to chemical health and safety information.
 - EPA should make chemical hazard, use, and exposure information available to the public in electronic databases.
 - Other governments should have access to confidential information submitted under TSCA, subject to appropriate and reliable protections.
 - Companies claiming confidentiality in information submittals should have to justify those claims on a periodic basis.
 - Reasonable protections for confidential as well as proprietary information should be provided.
8. EPA should rely on scientifically valid data and information, regardless of its source, including data and information reflecting modern advances in science and technology.
 - EPA should establish transparent and scientifically sound criteria for evaluating all of the information on which it makes decisions to ensure that it is valid, using a framework that addresses the strengths and limitations of the study design, the reliability of the test methods, and the quality of the data.
 - EPA should encourage use of good laboratory practices, peer review, standardized protocols, and other methods to ensure scientific quality.
9. EPA should have the staff, resources, and regulatory tools it needs to ensure the safety of chemicals.
 - EPA's budget for TSCA activities should be commensurate with its chemical management responsibilities.
10. A modernized TSCA should encourage technological innovation and a globally competitive industry in the United States.
 - A new chemical management system should preserve and enhance the jobs and innovative products and technologies contributed by the business of American chemistry.
 - Implementation of TSCA should encourage product and technology innovation by providing industry certainty about the use of chemicals.

THE NEW ORLEANS INDEX

— TRACKING THE RECOVERY OF NEW ORLEANS & THE METRO AREA —



August
2009

“Though New Orleans has been somewhat shielded from the recession due to substantial rebuilding activity, four years

after Katrina the region still faces major challenges due to blight, unaffordable housing, and vulnerable flood protection. New federal leadership must commit and sustain its partnership with state and local leaders by delivering on key milestones in innovation, infrastructure, human capital, and sustainable communities to help greater New Orleans move past “disaster recovery” and boldly build a more prosperous future.”

ABOUT THIS NEW ORLEANS INDEX

This fourth anniversary edition of the New Orleans Index examines the social and economic recovery of the New Orleans metro area, four years after Hurricane Katrina and the related levee failures. Relying on more than fifty indicators, we examine recovery progress to date for the city and its surrounding metro area which includes Jefferson, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, and St. Tammany parishes. Key findings are highlighted in “at-a-glance” graphic representations.

For the first time, we have added neighborhood-level indicators of population recovery for the city of New Orleans (Orleans Parish). Readers seeking even more detail can visit the GNOCDC.org web site for interactive maps and more detailed analysis. And we continue to publish several indicators of recovery for New Orleans’ 13 planning districts, which were the geographic areas for which specific plans were developed when New Orleanians gathered in late 2006 to develop the Unified New Orleans Plan.

HISTORY OF THE NEW ORLEANS INDEX

In December 2005, the Brookings Institution Metropolitan Policy Program began monitoring the social and economic recovery of the Gulf Coast region through the publication of The Katrina Index. The Index provided members of the media, key decision makers, nonprofit and private sector groups, and researchers with an independent, fact-based, one-stop resource to monitor and evaluate the progress of on-the-ground recovery in Louisiana and Mississippi.

In 2007, The Katrina Index was released as a joint collaboration between the Greater New Orleans Community Data Center and the Brookings Institution in order to bring an even better, more tailored assessment of recovery of the New Orleans region. Beginning with the second anniversary edition, we changed the name to “The New Orleans Index” to shift the emphasis of recovery away from a named disaster to a great American urban center. Over time, we’ve added new indices to provide a more comprehensive picture of the economic, social, and fiscal health of the greater New Orleans region. And, as neighborhood-level data becomes available, we incorporate it into the Index when it can inform relevant and current policy decisions.

Going forward, The New Orleans Index will be issued every August to provide a detailed analysis of the recovery at the anniversary of Katrina. The Greater New Orleans Community Data Center releases data briefs throughout the year, and the Brookings Metro program regularly includes New Orleans in its analysis of trends across metro regions.

Acknowledgments

The authors are grateful for the meticulous background research, data compilation, analysis support, and design provided by Data Center staff Elaine Ortiz, Denise Ross, and Melissa Schigoda, as well as the attention to detail and quick turnaround in producing this document by Dallas Hewitt at the Harahan DocuMart. The authors are also grateful to Dek Terrell and Ryan Bilbo of Louisiana State University for their special compilations of small area employment data.

Both the Data Center and Brookings would like to thank the Blue Moon Fund for its support of the New Orleans Index as well as activities to help New Orleans organizations use the data to support recovery-related planning and decision-making. Further, Brookings and the Data Center are grateful to the Bill & Melinda Gates Foundation and the Rockefeller Foundation for their support of the New Orleans Index, and to Baptist Community Ministries and United Way for the Greater New Orleans Area for their ongoing support of the Data Center.

Finally, both the Data Center and Brookings would like to thank the many individuals from federal, state, and local agencies and organizations who have provided us with the most robust and up-to-date information available. Their tireless efforts to collect and make public these data have been invaluable to the large audience of users of this Index.

Cover photo by Julie Plank

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SUMMARY OF FINDINGS

By Amy Liu and Allison Plyer

New Orleans Four Years after Hurricane Katrina

The nation's deepening economic recession has produced dissolution and despair across the country as many communities grapple with the social and economic ramifications of massive layoffs, prolonged unemployment, shuttered businesses, and home foreclosures. By contrast, rebuilding from the woes caused by Hurricane Katrina has helped cushion greater New Orleans from the ravages of the downturn.

As New Orleans ends its fourth year since the hurricane and levee failures, the region has been buoyed by post-disaster recovery efforts and its fortunate industry mix.

Specifically, this year's special anniversary edition of the New Orleans Index finds that:

- **The New Orleans economy is weathering the recession relatively well due in part to its industry composition.** The New Orleans metro area lost 0.9 percent of its jobs since last June, compared to the 4.1 percent lost nationally. The industries hardest hit—manufacturing and construction—comprise relatively small shares of the New Orleans economy and since last June have shed few jobs. The four largest sectors of the region's economy—trade and transportation, government, leisure and hospitality, and education and health services—either stagnated or added jobs. The New Orleans metro area's unemployment rate rose to 7.3 percent while it climbed to 9.5 percent for the nation.
- **Ongoing rebuilding activities are attracting people, jobs, and investments, further shoring up the greater New Orleans economy.** New Orleans added more than 8,500 households (actively receiving mail) in the past year, the biggest one-year expansion since 2007, reflecting a mix of new and returning residents. While home rebuilding has slowed dramatically since 2007, post-disaster infrastructure investments in the levee system, schools, police stations and other public facilities have continued apace. Since July 2008, FEMA has paid over \$800 million for infrastructure repair projects across the five-parish area. In the city of New Orleans, 94 facilities and public works projects were completed as of April 2009, and 113 more were under construction¹.
- **Yet New Orleans is not immune from the economic crisis.** Like many metropolitan areas, the housing market has stalled, with home sales down 39 percent and new construction down 48 percent. The slowdown in consumer spending has contributed to a plunge in city sales tax revenues with 21 percent fewer receipts from general sales, motel/hotel stays, and motor vehicle purchases in April and 6 percent fewer receipts in May compared to the previous year.
- **Further, massive blight, affordable housing for low-income workers, and significant flood risk remain the area's major challenges.** While there are fewer unoccupied residences in Orleans, St. Bernard and Jefferson parishes this year, the scale of blight remains high—65,888, 14,372, and 11,516 residences, respectively—posing significant challenges for local governments. Steep rent increases have abated, but at 40 percent higher than pre-Katrina, rents remain out of reach for

1 City of New Orleans: Monthly Progress Report, Recovery Projects, April 2009. Available at http://neworleans.iprojweb.com/doc/monthlyreport_april2009.pdf

many critical workers. Typical rent for an efficiency apartment is \$733 per month, unaffordable for food preparation, health care support, and retail sales workers. Finally, a timeline recently released by the the Army Corps of Engineers indicates that they are behind schedule in completing the Hurricane and Storm Damage Risk Reduction System by 2011. While the levee system will be improved when finished, additional protective measures and land use provisions will be necessary to protect the city from Katrina-strength storms.

Residents and leaders are eager to get beyond “disaster recovery” to implement bold plans for creating a sustainable, inclusive, and prosperous city and region. Locally, key moves are creating the foundation for transformation to meet residents’ long-term aspirations. Last November, New Orleans voters approved two important amendments to the city charter. The first gave the city’s master plan teeth by requiring all zoning and land use requirements to conform, providing predictability, market confidence for development, and a more transparent and organized process for public participation. The second measure provided a dedicated revenue source to the newly created Inspector General’s office, giving the office steady resources necessary for accountability in the wake of pervasive public mistrust, waste, and fraud. And recently, the City Council approved funds for a newly created, quasi-public New Orleans Economic Development Corporation to lead the city’s economic growth activities and provide a measure of continuity across mayoral administrations.

The Obama administration and the next mayor of New Orleans must work together with the state to build on this current progress to help the city truly reinvent itself. The administration has many opportunities to lead a robust interagency effort that applies new policy initiatives that leverage the economic assets of New Orleans—in innovation, human capital, infrastructure, and quality neighborhoods. For instance, to invest in people and innovation, the administration could help state and local leaders resolve the future of Charity Hospital and facilitate the delivery of quality, affordable health care for all residents while making a critical investment in the growth of its health care cluster. To maximize interagency efforts, the Office of Gulf Coast Rebuilding’s leadership, institutional knowledge, and established partnerships must be retained and elevated within the White House. In addition, state and local leaders could partner with Congress and the Obama Administration to take advantage of new federal opportunities—linking school reform with neighborhood revitalization, investing in green industries (including coastal restoration and protection), and bolstering ports, major transportation and freight corridors.

With strong partnerships, local leadership, and leveraged assets, New Orleans could emerge as a model of resilience for metro areas recovering from natural catastrophes or major economic shocks, as those triggered by this recession.

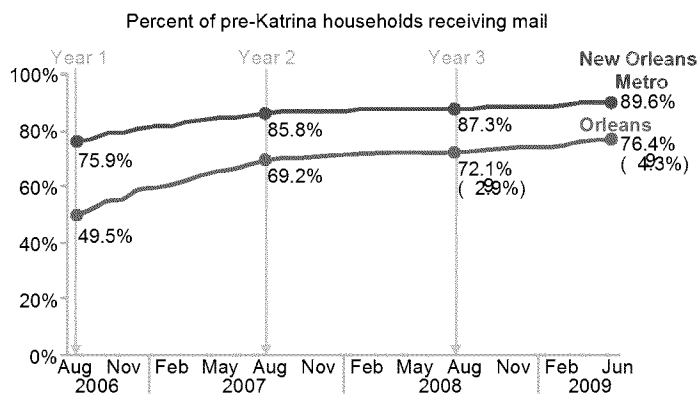
- 1 US Army Corps of Engineers. “Hurricane & Storm Damage Risk Reduction System Contract Information.” Available at www.mvn.usace.army.mil/hps/hps_contract_info.aspx; National Research Council. “The New Orleans Hurricane Protection System: Assessing Pre-Katrina Vulnerability and Improving Mitigation and Preparedness” Available at www.nap.edu/catalog.php?record_id=12647.
- 2 The primary for the 2010 mayoral race is on February 6, with a run-off election on April 22. Mayor Ray Nagin is not eligible due to term-limits.
- 3 The extension of the executive order that established the Office of the Federal Coordinator for Gulf Coast Rebuilding expires on September 30, 2009.

Population Trends

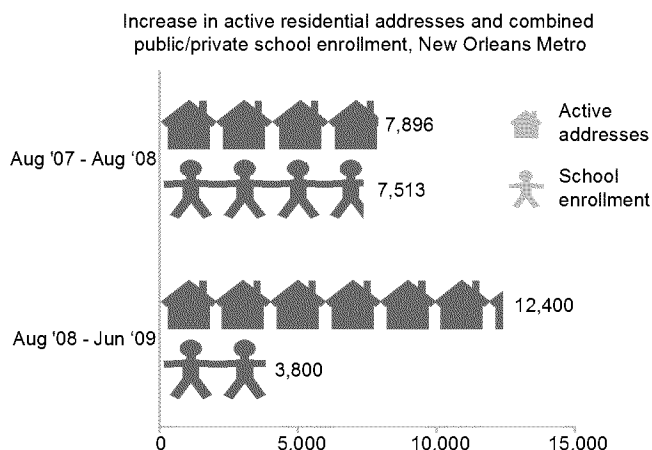
- **This past year, population growth picked up pace in the city of New Orleans, reaching 76.4 percent of pre-Katrina residences actively receiving mail, a 4.3 percentage point increase from last August.** All parishes gained residences actively receiving mail from August 2008 to June 2009, with Orleans Parish, St. Bernard and St. Tammany experiencing the largest absolute gains. New Orleans' rate of growth has increased over the prior year. From August 2008 to June 2009, Orleans Parish added 8,577 active residences compared with 5,345 added from August 2007 to June 2008. The New Orleans metro area is now home to nearly 90 percent of the pre-Katrina number of households receiving mail.
- **Although the New Orleans population continues to grow, new neighborhood-level data available quarterly shows that twelve neighborhoods lost more than 50 active-address households from June 2008 to June 2009.** As new rental and homeownership opportunities become available, the overall population of the city is shifting even as new households are moving into the city. [See Recovery of New Orleans by Neighborhood on page 17 for more details.]
- **While growth in households has increased since August 2008, growth in school enrollment across the metro area has slowed, suggesting that recent arrivals to the metro area are likely singles and childless couples.** The metro area gained 12,400 residences actively receiving mail from August 2008 to June 2009 up from a 7,896 increase in the third year after Katrina. Although total school enrollment reached 78 percent of pre-Katrina levels by spring 2009, growth in school enrollment has slowed—increasing only by 3,800 compared with 7,513 in the previous year—indicating that many new households may be without children.
- **Hispanic children represent a growing share of the student population, increasing to 5.6 percent of total metro-wide school enrollment by spring 2009; while black students reached 42.8 percent by spring 2009.** Before Katrina, black children accounted for 49.1 percent of all public and private school enrollment in the metro but fell to 39.1 percent by spring 2007. The share of black students has continued to rise since 2007 reaching 42.8 percent by spring 2009. In contrast, immediately following Katrina, Hispanic students grew as a share of all public and private school students, from 3.6 percent pre-Katrina to 5 percent by spring 2007, and to 5.6 percent by spring 2009.
- **Total enrollment at New Orleans' colleges and universities grew 5 percent since spring 2008, including 1,502 more students at Delgado Community College.** The graduation of the "Katrina class" in May 2009 marked the four-year anniversary of Katrina at local colleges and universities, and while some schools are struggling with post-Katrina recruiting, others are exceeding expectations. Total spring enrollment levels at SUNO, Delgado Community College, and Tulane University have grown three consecutive years, even as larger classes of students that started pre-Katrina have graduated.

Population At-a-Glance

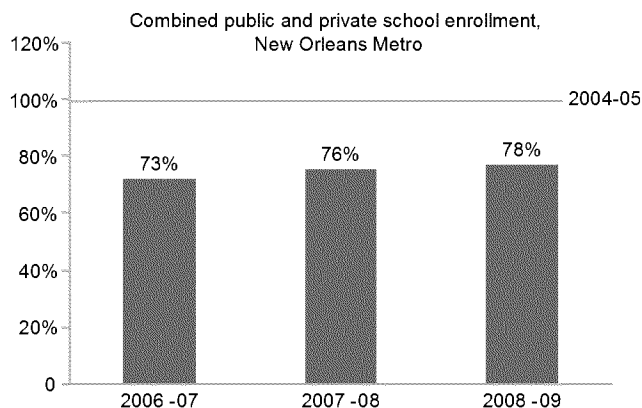
The population of the city and metro area grew at a faster rate in the fourth year after Katrina than in the previous year.



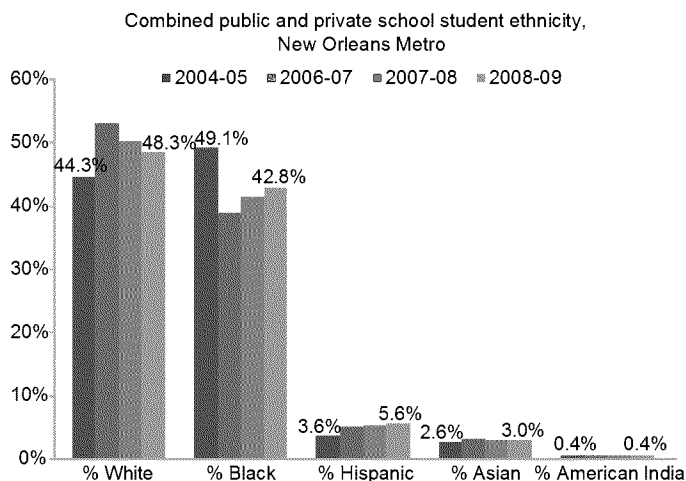
While growth in metro area households has increased since August '00, the increase in school enrollment slowed in the '00-'01 school year, suggesting that recent arrivals are predominantly singles and childless couples.



Total public and private school enrollment continued to grow reaching 78 percent of pre-Katrina levels by the spring of '09.



Black children continue to make up a growing share of total public and private school students, reaching 49.1 percent of total students by the end of the '08-'09 school year, while the share of Hispanic children climbed to 5.6 percent.



Top graph source: GNOCDC analysis of USPS Delivery Statistics Product.
Bottom graph source: Louisiana Department of Education and Trinity Episcopal School. Note: 2005-2006 data is not presented due to uncertainty of school enrollment in first year after Katrina.

Top graph source: GNOCDC analysis of USPS Delivery Statistics Product, Louisiana Department of Education and Trinity Episcopal School.
Bottom graph source: Louisiana Department of Education. Note: 2005-2006 data is not presented due to uncertainty of school enrollment in first year after Katrina.

Economy Trends

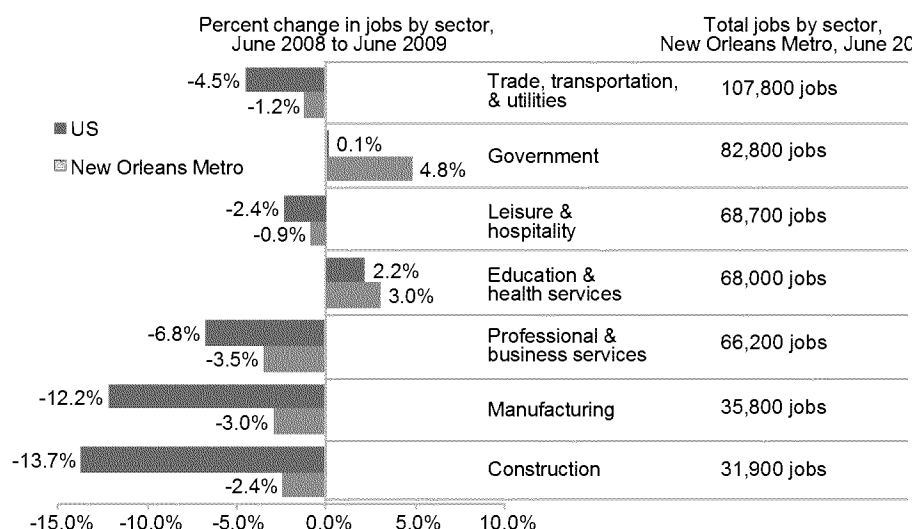
- **The New Orleans metro area continues to weather the national recession relatively well, only losing 0.9 percent of total jobs since last June compared to a 4.1 percent loss for the nation.** Industry sectors with the largest declines nationally since June 2008—including construction and manufacturing—shed relatively few jobs in the New Orleans metro and represented a relatively small portion of the region's overall economy. Of those sectors with more than 50,000 jobs in the region, only professional and business services suffered severe job losses (down 3.5 percent). Leisure and hospitality lost only 0.9 percent of all jobs, and the trade, transportation and utilities sector is down only 1.2 percent. Education and health services and government added jobs, at 3 percent and 4.8 percent, respectively.
- **The non-seasonally adjusted unemployment rate in the New Orleans metro area surged to 7.3 percent in June 2009, up from 5.9 percent one month ago, and 4.6 percent last June.** Meanwhile the seasonally adjusted U.S. rate reached 9.5 percent, up from 9.4 percent one month ago, and 5.6 percent last June. The one-month spike in the unemployment rate for the New Orleans metro was caused primarily by a sharp rise in the number of people seeking work, rather than by job losses. Compared to the 100 largest metros, New Orleans had the sixth lowest unemployment rate in the first quarter of 2009.¹
- **The non-seasonally adjusted New Orleans metro area labor force increased to 534,000 in June 2009, a nearly two percent increase from one month ago, and 1 percent lower than last June.** Meanwhile the seasonally adjusted U.S. labor force fell slightly since last month, and is up 0.3 percent since June 2008. In the New Orleans metro area, 8,964 people entered the labor force in search of summer work between May and June 2009, accounting for nearly all of the surge in the area's unemployment rate.
- **New Orleans sales tax revenue declined in April and May 2009 for the first time since 2006, reflecting the national decline in consumer spending.** General sales tax revenues for the city of New Orleans were down from a year ago by 22 percent in April and 2 percent in May. Other tax revenues seemed to be even more deeply affected by the recession: Motor vehicle tax collections were down 18 percent in April, and 28 percent in May, and hotel/motel tax revenues were down 12 percent in April and 24 percent in May.
- **General cargo handled at the Port of New Orleans was down 19 percent in 2008, signaling the effects of not only a national, but a global recession.** In 2007, 7.4 million short tons of general cargo passed through the port, compared to only 5.9 million in 2008. A 32 percent drop in the volume of imported iron and steel products handled at the Port was the largest reason for the decline. Iron and steel imports, which typically account for 50 to 70 percent of general cargo tonnage handled at the port, accounted for less than 41 percent of general cargo in 2008.²

1 The Brookings Institution. "MetroMonitor." Available at http://www.brookings.edu/metro/MetroMonitor/unemployment_rate.aspx

2 Personal communication: H. Wilbert, Marketing Department of the Port of New Orleans. July 20, 2009.

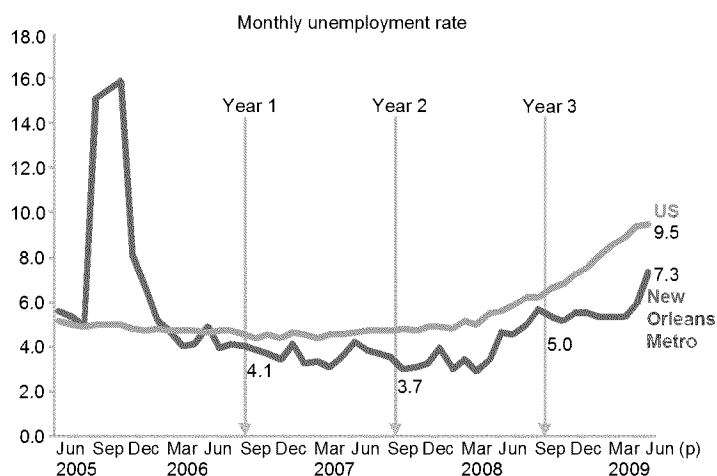
Economy At-a-Glance

The New Orleans metro economy is weathering the recession with job gains or relatively few job losses in most key sectors.

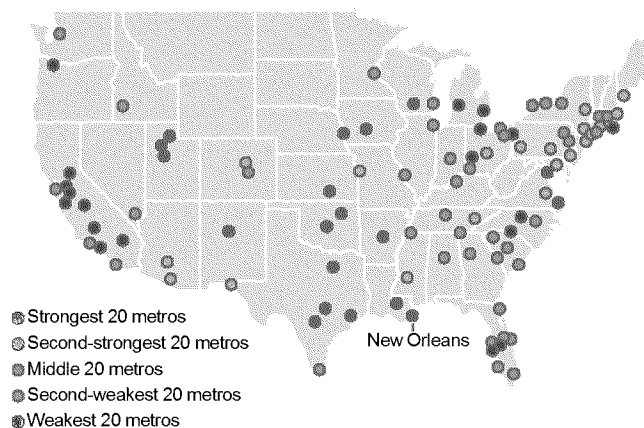


Although unemployment in the New Orleans metro has risen in the fourth year after Katrina, it remains lower than the national level.

Based on its relatively low unemployment rate, of the largest 100 metros, New Orleans ranks among the strongest.



Unemployment rates in the largest 100 metros, first quarter 2009



Top graph source: U.S. Bureau of Labor Statistics, Current Employment Statistics.

Bottom graph source: U.S. Bureau of Labor Statistics.

Bottom graph source: Brookings, "MetroMonitor." Available at http://www.brookings.edu/metro/MetroMonitor/unemployment_rate.aspx

Housing Trends

- **The market for single family homes across the metro area cooled in 2009, with sales volumes and average prices down markedly from one year earlier.** The total number of homes sold in the metro area fell to 686 in May 2009, down 23 percent from one year earlier and nearly half the number sold in May 2006 and May 2007. Comparing first quarter 2008 to first quarter 2009, housing prices across the New Orleans metro fell 0.3 percent—although not as steeply as the national decrease of 6.3 percent, or the 6.9 percent average decrease for the 100 largest metros across the same time frame.¹
- **In its fourth year of disaster recovery, the pace of home reconstruction and new construction has slowed in New Orleans.** From September 2008 to May 2009, the monthly average number of residential permits issued in the city was 420, down from 676 in September 2007 through August 2008, and from 912 in the prior year. Similarly, the monthly average of new residential housing units authorized for construction fell to 197 since September 2008, down from 218 in the third year and from 211 in the second year of recovery.
- **As of June 2009, the Road Home program has disbursed \$7.95 billion in grants to 124,219 underinsured homeowners, the vast majority of whom will rebuild.** As the Road Home transitions to a new contractor, only 8,635 applicants remain—half of whom are still demonstrating their eligibility. In Jefferson and St. Tammany parishes, where housing damage was often minor in severity,² ninety-nine percent of Road Home recipients will rebuild their homes. The largest number of grants has been distributed to homeowners in Orleans Parish, where 90 percent are rebuilding. In St. Bernard, only 64 percent of grant recipients are rebuilding. Through this program the state has acquired 9,418 properties in the five-parish area from homeowners choosing not to rebuild.
- **Orleans and St. Bernard parishes continue to have very high numbers of vacant and blighted residences, though these numbers have declined in the fourth year of recovery.** Since last September, Orleans and St. Bernard parishes reduced their inventory of vacant and blighted residences by 3,839 and 816 respectively. However, as of March 2009, the share of unoccupied residential addresses in Orleans and St. Bernard, at 31 and 53 percent respectively, exceeds other cities also grappling with excess land and buildings. In absolute numbers, New Orleans has 65,888 unoccupied residential addresses—nearly as many as Detroit.³ In St. Bernard, 14,372 residences are unoccupied. [See Recovery of New Orleans by Neighborhood on page 17 for more details.]
- **Many essential service workers in the New Orleans area cannot afford the fair market rents of an apartment in the region.** According to analysis of 2008 data, there are many workers in occupations with high labor shortages, such as food preparation, health care support, and retail sales, who spent more than 30 percent of their monthly income to rent even an efficiency apartment in the area.

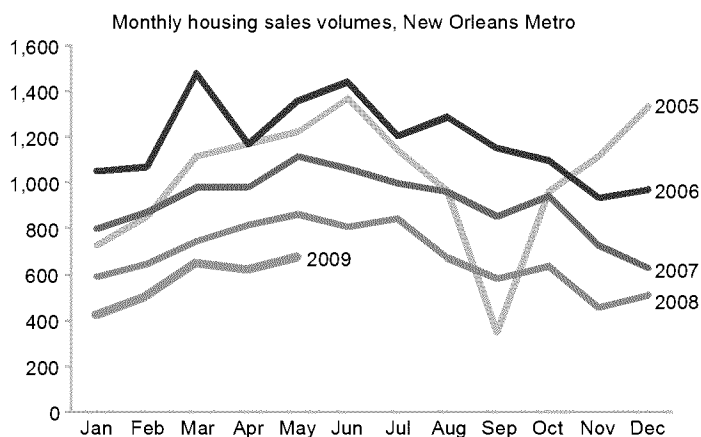
1 The Brookings Institution. "MetroMonitor." Available at http://www.brookings.edu/metro/MetroMonitor/~/_media/Files/Programs/Metro/metro_monitor/metro_profiles/new_orleans_la_metro_profile.pdf

2 U.S. Department of Housing and Urban Development. "Current Housing Unit Damage Estimates, Hurricane Katrina, Rita and Wilma, February 12, 2006." Available at http://gnocdc.s3.amazonaws.com/reports/Katrina_Rita_Wilma_Damage_2_12_06__revised.pdf

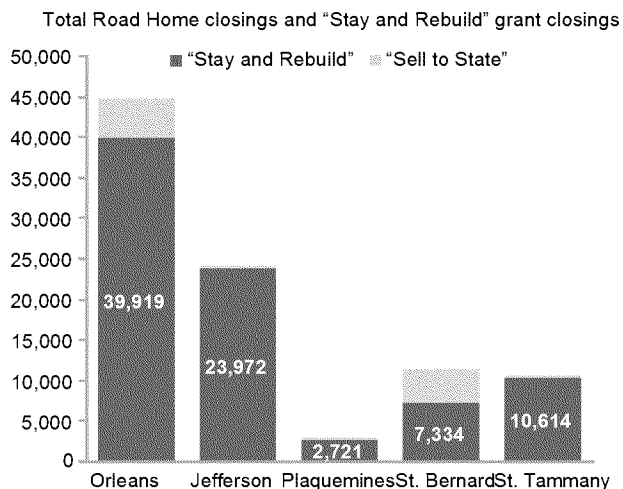
3 Greater New Orleans Community Data Center. "National Benchmarks for Blight." Available at <http://www.gnocdc.org/BenchmarksforBlight/>

Housing At-a-Glance

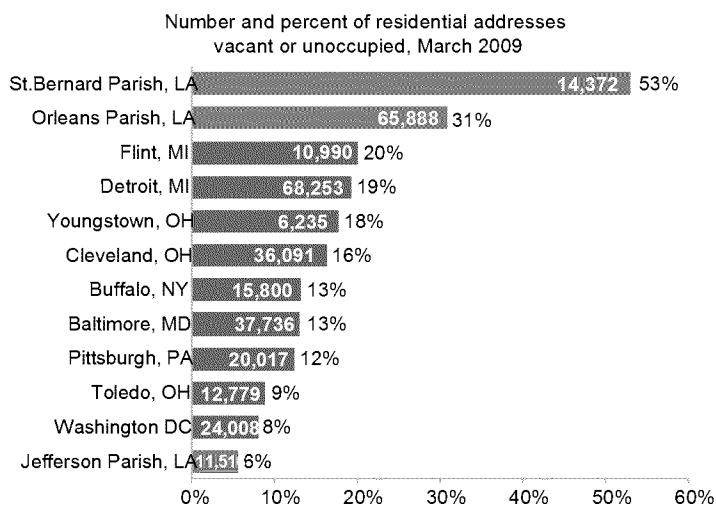
Metro area home sales volumes were 3 percent lower in May 2009 than the previous year.



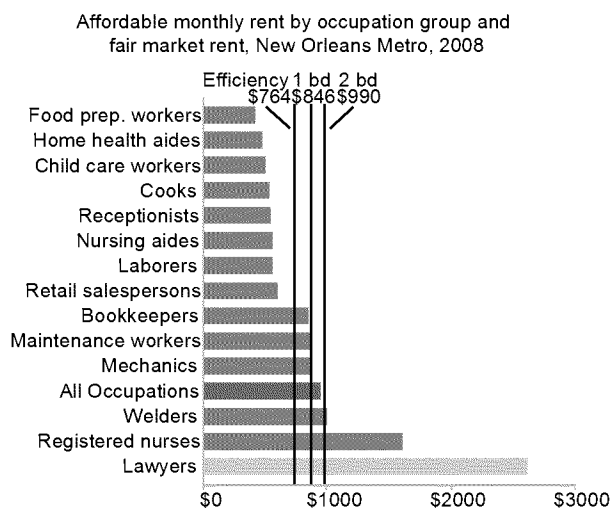
The largest number of Road Home recipients is in Orleans Parish where the vast majority will stay and rebuild.



New Orleans area parishes, like many cities around the country, are grappling with large numbers of unoccupied residential addresses.



Few workers in key service sector jobs with high vacancies can afford an apartment in New Orleans metro with 30 percent (or less) of their monthly wages.



Top graph source: New Orleans Metropolitan Association of Realtors
Bottom graph source: GNOCDC analysis of HUD Aggregated USPS Administrative Data on Address Vacancies.

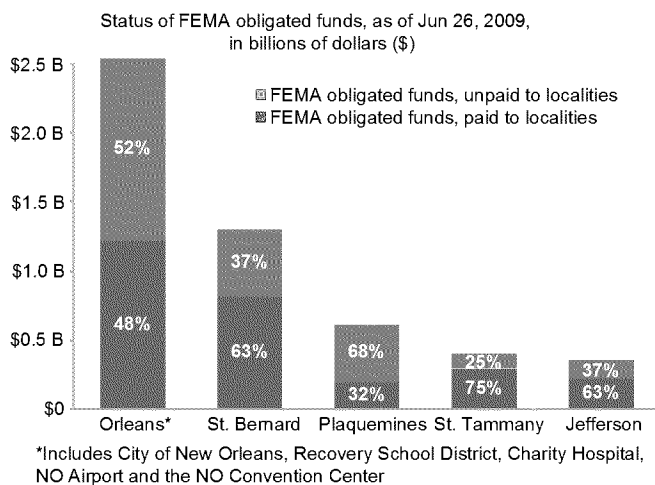
Top graph source: The Road Home Program
Bottom graph source: BLS Occupational Employment and Wage Estimates and U.S. Department of Housing and Urban Development
Note: Lawyers are provided for contrast, but did not have large vacancies.

Infrastructure Trends

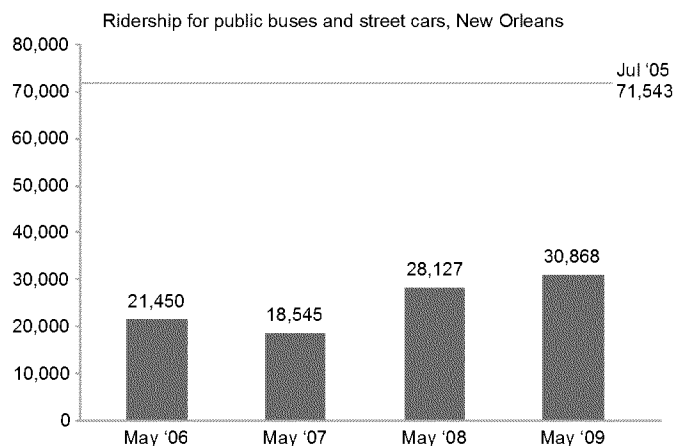
- **FEMA has obligated an additional \$900 million for infrastructure repairs in Louisiana since last July, bringing the total to nearly \$7.8 billion, of which 58 percent has been paid to localities.** Nearly four years after Katrina, total funding approved for disaster recovery is still on the rise—particularly in hard hit parishes where damage is so extensive that local governments are overwhelmed trying to document it all. Over the past year, FEMA obligated an additional \$510 million for Orleans Parish and an additional \$201 million for St. Bernard Parish. Slightly less than half of the total \$2.5 billion obligated to private and governmental entities in Orleans Parish for debris removal and infrastructure repairs remains to be paid.
- **In the fourth year after Katrina, sixteen additional schools opened in the New Orleans area.** In hard hit St. Bernard Parish, three public schools opened and in Orleans Parish, eight public and two private schools opened in the last year. In St. Tammany Parish one additional school and in Jefferson Parish two additional schools have opened since the third anniversary of Katrina.
- **A flurry of child care center openings in Orleans and St. Bernard parishes has boosted their shares of centers to half the pre-Katrina number for the first time since the storm.** Since August 2008, 22 child care centers have opened in Orleans Parish bringing the total to 141 or 51 percent of pre-Katrina, up from 43 percent. In St. Bernard, five child care centers opened, bringing the total there to 50 percent of pre-Katrina. In St. Tammany one child care center opened, while in Jefferson Parish the total number of licensed child care centers fell by two over the last year.
- **Between May 2008 and 2009, average daily ridership on public transportation rose 10 percent, but remained well below pre-Katrina levels.** In the fourth year of recovery, ridership on public buses and street cars increased and the New Orleans Regional Transit Authority began offering new “Lil Easy” service in Lower Ninth Ward, Gentilly and Lakeview neighborhoods. (This service runs small 15-seat buses on custom routes with passengers reserving seats in advance.) But by May 2009, ridership remained at only 43 percent of pre-Katrina levels.
- **New Orleans remains vulnerable to storm-related flooding—but how vulnerable is currently unknown.** The Army Corps of Engineers continues work on the Hurricane and Storm Damage Risk Reduction System that is intended to provide protection from a storm surge that has a 1 percent chance of occurring any given year. However, Katrina was a 0.25 percent storm, stronger than the level of protection for which the system currently under construction is designed. Because no regularly-updated indicators exist on land loss, coastal restoration, and mitigation of flood risk due to human engineering, tracking recovery in this realm is challenging.

InfrastructureAt-a-Glance

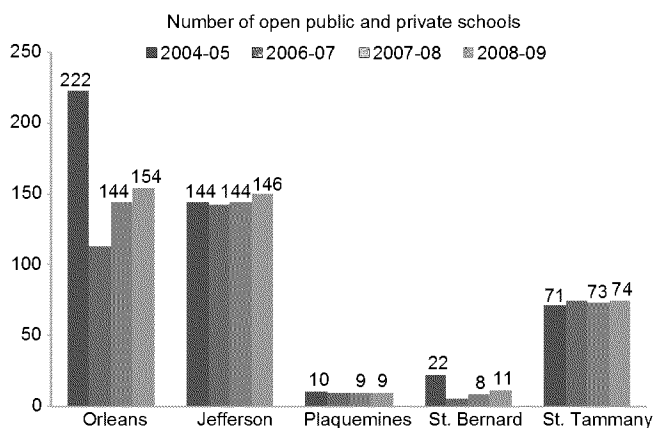
By June 2009, Orleans and Plaquemines parishes had received less than 10 percent of the FEMA Public Assistance funds obligated to them.



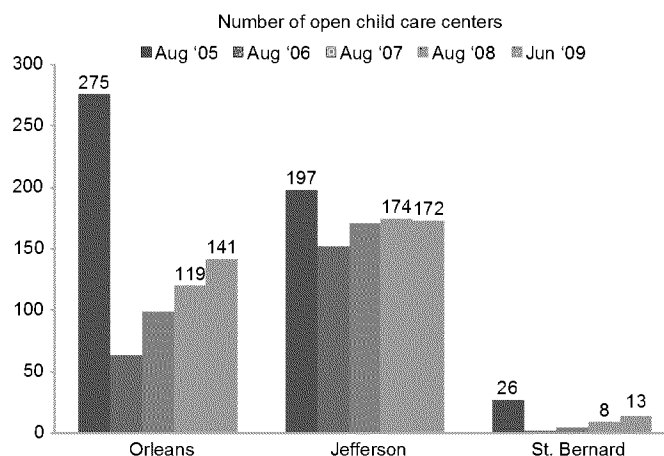
By May 2009, average daily ridership on regional public buses and street cars had grown 10 percent over the previous year, but ridership remains at only 3 percent of pre-Katrina.



In the fourth year after Katrina, sixteen additional schools opened in the New Orleans area.



Since August 2005, there continued to be a steady pace of child care center openings in Orleans and St. Bernard parishes.



Top graph source: FEMA. Bottom graph source: Louisiana Department of Education.

Top graph source: New Orleans Regional Transit Authority. Bottom source: Agenda for Children and Louisiana Department of Social Services Bureau of Licensing.

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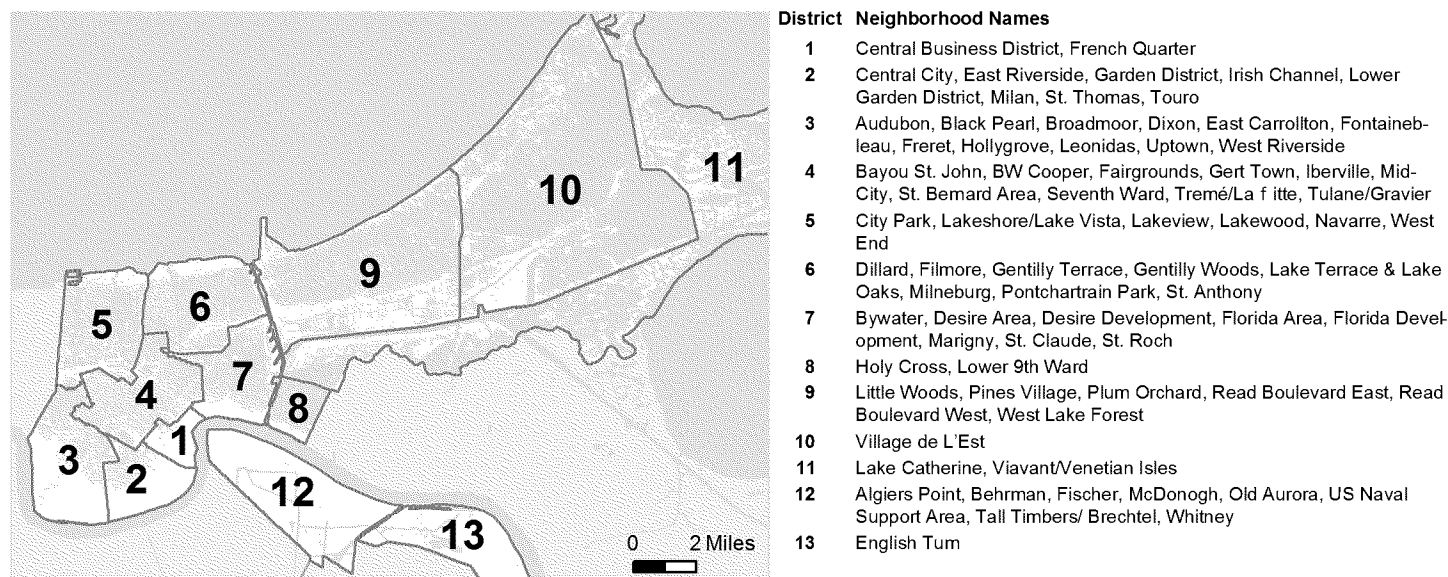
Recovery of New Orleans by Neighborhood

When the levees protecting New Orleans failed in August 2005, approximately 80 percent of the city was flooded. The business district and main tourist centers were relatively undamaged, but vast expanses of many New Orleans neighborhoods were inundated, making this the largest residential disaster in U.S. history.

The extent of damage varied greatly from one part of town to another. Some areas received one foot of flooding while others were submerged by 10 feet of water. The rate of recovery has also varied across the city.

In this section, we examine recovery indicators across the 73 neighborhoods and 13 planning districts of New Orleans to reveal trends across smaller areas that may be masked by citywide figures. New Orleans has 73 official neighborhoods that form 13 planning districts. (See reference map below for planning district boundaries and names of neighborhoods within each.)

Extent of flooding from Katrina



Sources: Brakenridge, G.R., E. Anderson (2005) Flood Inundation Vector derived from SPOT satellite image from Sept. 2, 2005. Dartmouth Floods Observatory, Hanover, NH, USA (flood extent); New Orleans City Planning (planning districts and neighborhoods).

In the following pages, we examine population trends across the 73 neighborhoods and housing trends across the 13 planning districts. This information can help residents, neighborhood groups, and decisionmakers act more strategically and effectively for their community.

Population Recovery

Redevelopment is now a major influence in the repopulation of New Orleans neighborhoods. As of June 2009, nine neighborhoods still have less than half of the active residential addresses they did before Katrina. But three of these—BW Cooper, Florida, and St. Bernard—are home to public housing sites that have been demolished and are in the process of being redeveloped. Five neighborhoods with new developments, including single family homes, apartments and condo buildings—McDonogh, Algiers Point, Central Business District, Gert Town, and St. Thomas (or “River Gardens”)—have more active addresses than they did in June 2005.

Percent of June ↑00↑ addresses actively receiving mail as of June ↑00↑, by neighborhood



Source: GNOCDC analysis of Valassis Residential and Business Database.

Note: For a larger version of map, see <http://gnocdc.org/RecoveryByNeighborhood/>

From June 2008 to June 2009, twelve neighborhoods lost more than 50 active residential addresses, suggesting that new rental and homeownership opportunities are not only drawing additional population to New Orleans but may also be sparking moves from one neighborhood to another.

Legend:

- 50 or more
- 1-49
- +0-99
- +100-199
- +200-299
- +300 or more

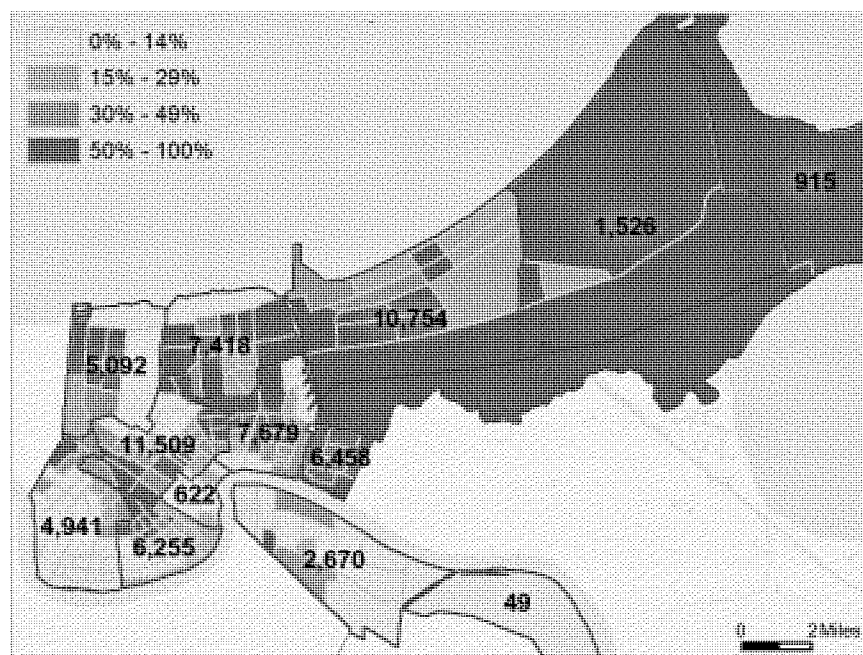
Scale: 0 to 2 Miles

Note: For a larger version of map, see <http://gnocdc.org/RecoveryByNeighborhood/>

Vacant/Unoccupied Residential Addresses

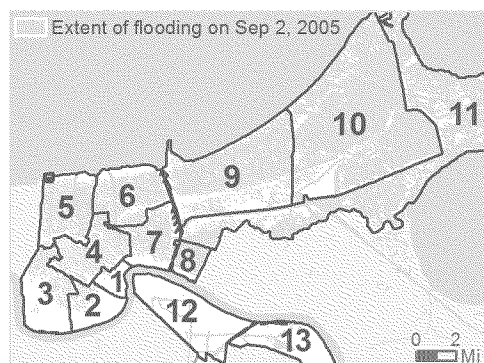
The levee failures associated with Katrina left New Orleans with an unprecedented level of residential blight. However, since September 2008, the number of unoccupied residential addresses in New Orleans has declined from 69,727 to 65,888 in March 2009 as repopulation and redevelopment continue. A relatively small number of these (7,083) are “vacant” according to the post office, suggesting that they are likely habitable residences that have not been purchased or rented. Post office data suggests that the remainder—nearly 59,000 residential addresses—are blighted or empty lots. Planning District 4 has the largest number of unoccupied addresses with 11,509. Some of these may be accounted for by three public housing projects that are being redeveloped in that planning district, but a large number are likely associated with blighted residences that were flooded by Katrina. Planning Districts 6, 7, 8 and 9 experienced extensive flooding and each has more than 6,000 unoccupied residential addresses. Even planning districts that experienced limited flooding have a large number of unoccupied addresses. For example, Planning Districts 2 and 3 have 6,255 and 4,941 unoccupied residential addresses respectively, likely due in part to significant levels of pre-Katrina blight.

Number of unoccupied residential addresses by planning district and percent by census tract, March 2009



Source: GNOCDC analysis of HUD Aggregated USPS Administrative Data on Address Vacancies.

Notes: “Addresses” are distinguished from “properties” in that multiple addresses can be located on a single property (e.g. shotgun double). Unoccupied addresses include vacant and no-stat addresses. Vacant addresses have not had mail collected for 90 days or longer. No-Stat addresses include addresses identified by the letter carrier as not likely to receive mail for some time, buildings under construction and not yet occupied, and rural route addresses vacant for 90 days or longer. In the parishes affected by Hurricanes Katrina and Rita, no-stat addresses include heavily damaged homes that have not been re-occupied. Due to HUD’s aggregation process, about 1 percent of records are not included. The district boundaries for planning districts 1, 2, 9, 10, and 11 are slightly modified in order to coincide with census tracts because data was only available at the tract level. Planning District 2 includes the area bounded by Magazine, Julia, I-10, and the river, which is usually included in Planning District 1. Planning District 11 includes the area between Chef Menteur Hwy and the Intracoastal Waterway, which is usually included in planning districts 9 and 10.

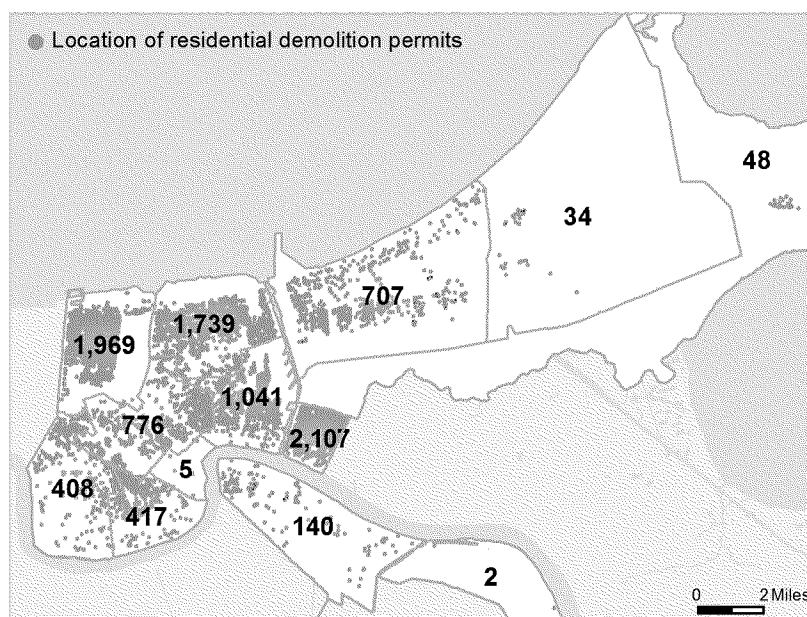


- 1 Central Business District, French Quarter
- 2 Central City, East Riverside, Garden District, Irish Channel, Lower Garden District, Milan, St. Thomas, Touro
- 3 Audubon, Black Pearl, Broadmoor, Dixon, East Carrollton, Fontainebleau, Freret, Hollygrove, Leonidas, Uptown, West Riverside
- 4 Bayou St. John, BW Cooper, Fairgrounds, Gert Town, Iberville, Mid-City, St. Bernard Area, Seventh Ward, Tremé/Lafitte, Tulane/Gravier
- 5 City Park, Lakeshore/Lake Vista, Lakeview, Lakewood, Navarre, West End
- 6 Dillard, Filmore, Gentilly Terrace, Gentilly Woods, Lake Terrace & Lake Oaks, Milneburg, Pontchartrain Park, St. Anthony
- 7 Bywater, Desire Area, Desire Development, Florida Area, Florida Development, Marigny, St. Claude, St. Roch
- 8 Holy Cross, Lower 9th Ward
- 9 Little Woods, Pines Village, Plum Orchard, Read Boulevard East, Read Boulevard West, West Lake Forest
- 10 Village de L'Est
- 11 Lake Catherine, Viavant/Venetian Isles
- 12 Algiers Point, Behrman, Fischer, McDonogh, Old Aurora, US Naval Support Area, Tall Timbers/ Brechtel, Whitney
- 13 English Turn

Residential Demolitions

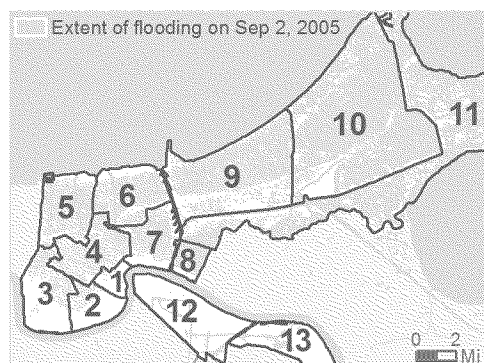
The largest number of residential demolition permits (2,107) has been issued for Planning District 8, which encompasses the Lower Ninth Ward where water funneled by the Mississippi River Gulf Outlet breached the levee with such force that homes were knocked off their foundations. In those cases where homes were reduced to splinters and cleared as debris, demolition permits were not issued, indicating that Planning District 8 likely has more than 2,107 empty lots. The next largest number of demolition permits (1,969) has been issued for Planning District 5, which encompasses the higher income Lakeview neighborhood. Here returning homeowners are purchasing and clearing adjacent lots to create larger lawns or home expansions. In Planning District 6, which encompasses the middle-income Gentilly neighborhood, 1,739 demolition permits have been issued. All other planning districts had fewer than 1,050 demolition permits, suggesting thousands of blighted structures remain.

Number of residential demolition permits by planning district, May ↑ 00↑



Source: GNOCDC analysis of May 2009 City of New Orleans permit data.

Notes: Data reflects demolition permits issued since October 1, 2005. Demolition permits issued to addresses that were also issued a new construction permit are not included in this dataset in an attempt to capture data on empty lots, rather than houses being rebuilt. Duplicate demolition permits issued to the same address are also excluded.

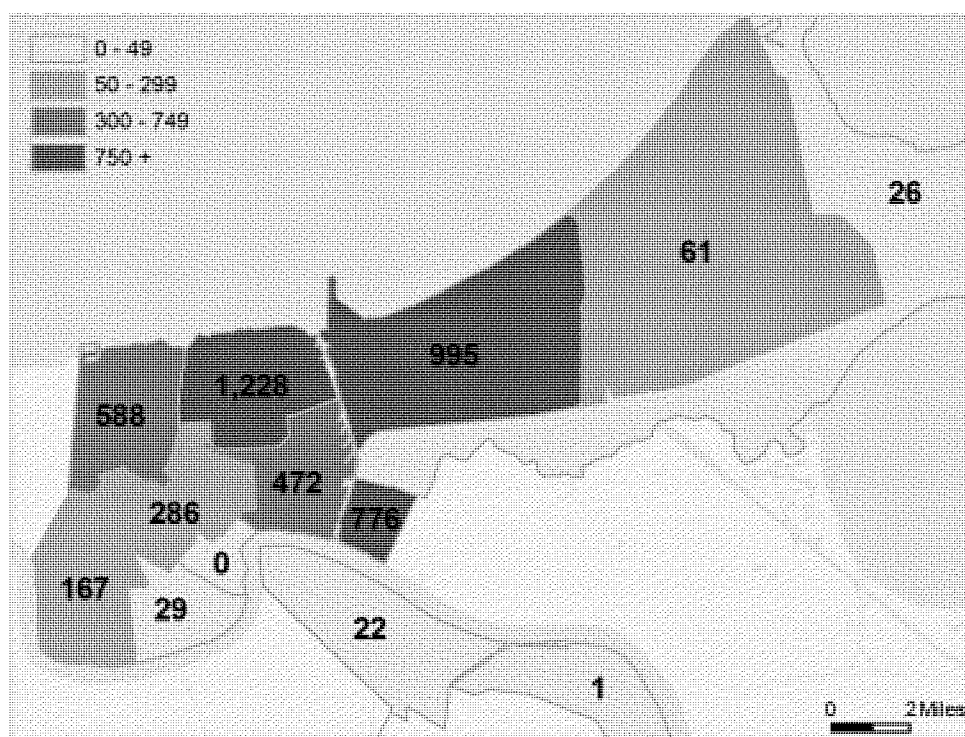


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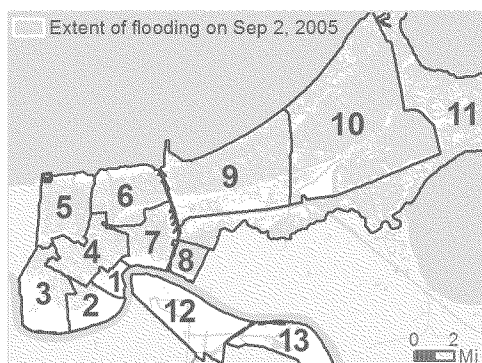
Road Home Residential Properties Sold to the State

Through the Road Home program the state has acquired more than more than 4,600 residential properties in New Orleans as of June 2009. These properties will be turned over to the New Orleans Redevelopment Authority (NORA) in phases. The largest number of these is in Planning District 6 (1,228) followed by Planning District 9 (995), and Planning District 8 (776). The maintenance and disposition of these properties presents new challenges and opportunities for New Orleans. In neighborhoods with strong markets, these properties can be sold at market rates, but in neighborhoods with weaker markets, long-term land banking and other large-scale land disposition and redevelopment policies may be necessary. Compared with most of the blighted properties in New Orleans, these properties will be easier to process because titles have already been cleared and the properties acquired. Unfortunately, they represent a relatively small portion of the tens of thousands of unoccupied residences across the city.

Number of residential properties sold to the state by planning district, June ↑ 00↑



Source: Louisiana Recovery Authority. Note: Data reflects option selected at closing.

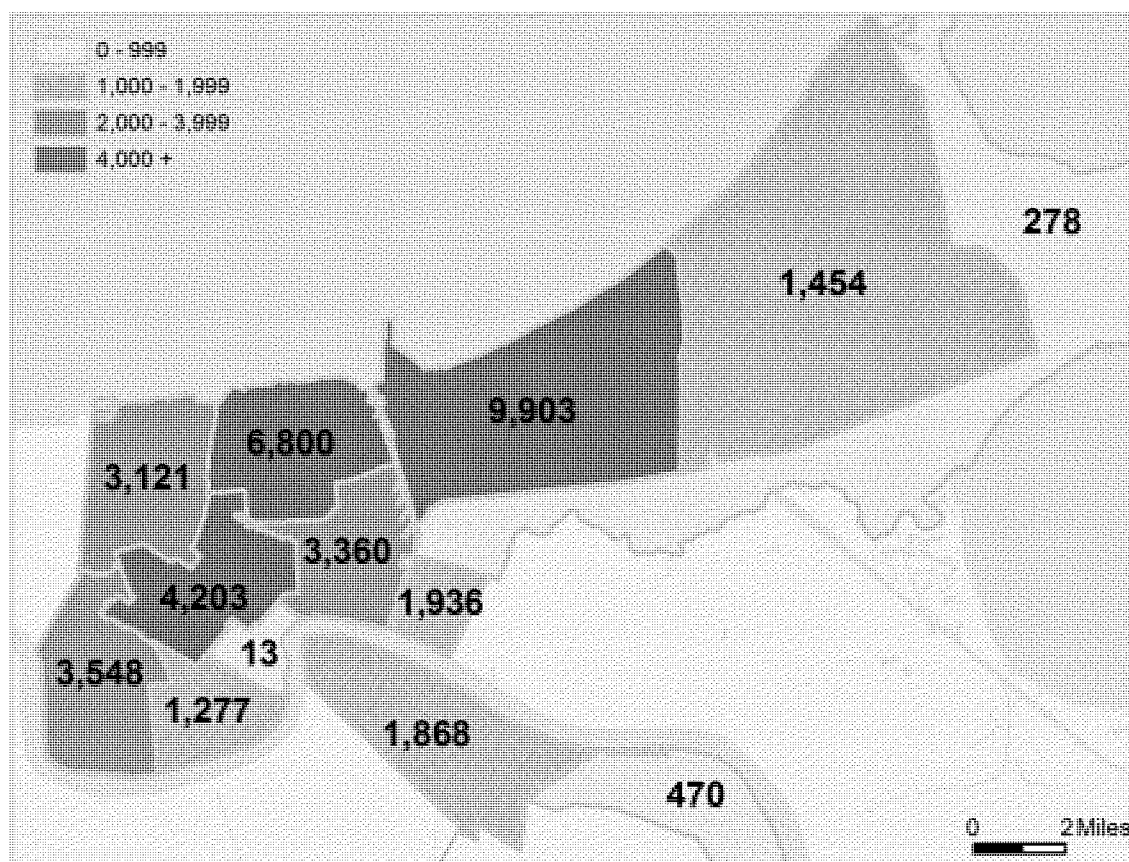


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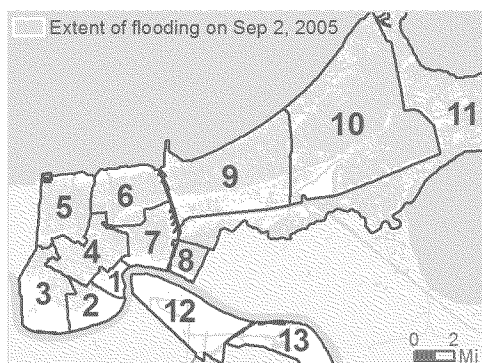
Road Home Stay and Rebuild

A very large number of homeowners are determined to rebuild their homes, even in heavily damaged parts of the city, as indicated by the number of Road Home recipients electing the “stay and rebuild” option. The largest number (9,903) of homeowners expected to rebuild their homes is in Planning District 9, which covers much of New Orleans East. In Planning District 6 and in Planning District 4, 6,800 and 4,203 Road Home recipients respectively have chosen to use their grants to rebuild, suggesting that many vacant properties in these areas may still become rehabled.

Number of residential properties being rebuilt with Road Home grants by planning district, June ↑ 00↑



Source: Louisiana Recovery Authority. Note: Data reflects option selected at closing.



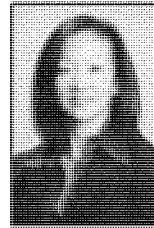
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The Brookings Institution Metropolitan Policy Program provides decision makers with cutting-edge research and policy ideas for improving the health and prosperity of cities and metropolitan areas. Created in 1996, the program is based on a simple premise: The United States is a metropolitan nation. These regions are the hubs of research and innovation, the centers of human capital, and the gateways of trade and immigration. They are, in short, the drivers of the U.S. economy, and American competitiveness depends on their ability to prosper in innovative, inclusive, and sustainable ways.



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Liu's areas of expertise are in the role of federal, state, and local policies in advancing metropolitan prosperity. She is also a frequent author and commentator on such topics as economic competitiveness, urban reinvestment, metropolitan growth and development, and pathways to the middle class. Prior to Brookings, Liu worked at the U.S. Department of Housing and Urban Development (1993-1996) and the U.S. Senate Banking, Housing and Urban Affairs Committee.



www.gnocdc.org

The Greater New Orleans Community Data Center gathers, analyzes and disseminates data to help nonprofit and civic leaders work smarter and more strategically. By publishing the most reliable data in a highly usable format, www.gnocdc.org has become the definitive source for information about New Orleans and its neighborhoods. The Data Center was founded in 1997 and is used by federal agencies, national media, elected officials, neighborhood organizations, and local nonprofits. The Community Data Center is a product of Nonprofit Knowledge Works, partially funded by Baptist Community Ministries, United Way for the Greater New Orleans Area, and the Community Revitalization Fund.



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Plyer's areas of expertise are market research and analysis, post-Katrina demographics and population estimates and New Orleans recovery indicators. Plyer received her Doctor of Science from Tulane University's School of Public Health and Tropical Medicine with a dissertation entitled "An Analysis of Administrative Data for Measuring Population Displacement and Resettlement Following a Catastrophic U.S. Event."